

RESOLUTIONS AND LEGAL NOTICES OF HEARING LISTED ON THE PRELIMINARY AGENDA ARE AVAILABLE AT THE TOWN CLERK'S OFFICE ONE DAY PRIOR TO THE TOWN BOARD MEETING.

IF YOU ATTEND THE TOWN BOARD MEETING AND WISH TO READ ANY LEGAL NOTICE OF PUBLIC HEARING OR RESOLUTION SCHEDULED, PLEASE SEE THE WHITE BINDER LOCATED ON THE TABLE TO THE RIGHT OF THE DAIS NEXT TO THE TOWN CLERK. IF YOU HAVE ANY FURTHER QUESTIONS PLEASE SEE TOWN CLERK JO-ANN RAIA.

PRELIMINARY AND FINAL AGENDA AVAILABLE: <http://town.huntington.ny.us>

PRESENT:

Supervisor	Frank P. Petrone
Councilwoman	Susan A. Berland (absent until 7:40P.M.)
Councilman	Mark A. Cuthbertson
Councilwoman	Glenda A. Jackson
Councilman	Mark Mayoka
Town Clerk	Jo-Ann Raia
Town Attorney	John J. Leo

AGENDA FOR TOWN BOARD MEETING DATED DECEMBER 14, 2010

BOARD OF TRUSTEES' MEETING FOLLOWING

Opened: 7:41P.M. Recessed: 7:43P.M. Resumed: 8:59P.M. Closed: 9:00P.M.

COMMUNITY DEVELOPMENT AGENCY MEETING FOLLOWING

Opened: 7:43P.M. Recessed: 7:49P.M. Resumed: 9:00P.M. Closed: 9:01P.M.

7:00P.M. – TOWN HALL

Opened: 7:01P.M. Recessed: 7:41P.M. Resumed: 7:49P.M. Closed: 8:59P.M.

(Resolutions #2010-563 to 2010-638)

HEARINGS:

ACTION

1. Consider adopting Local Law Introductory No. 20-2010 amending Local Law No. 3-2000, Restrictive Covenants applicable to property located on the Northeast corner of Broadhollow Road (Route 110) and Pinelawn Road (CR3).
(Local Law Intro No. 20-2010)

TO BE RESCHEDULED

2. Consider adopting Local Law Introductory No. 29-2010 amending the Code of the Town of Huntington, Chapter 191 (Unsafe and Damaged Buildings and Structures).
(Local Law Intro No. 29-2010)

DECISION RESERVED

3. Consider the issuance of a Special Use Permit under Chapter 137 (Marine Conservation). (Applicant: Patricia & Milan Nemes)
(Location: 107 East Neck Rd., Huntington, NY)
(SCTM #0400-036.00-01.00-004.001)
(2010-M-36-Ch. 137)

ENACTMENT #2010-622

HEARINGS (Continued):

ACTION

4. Consider issuing a Certificate of Approval in an Historic District Re: 150 Old Country Road, Melville - Sweet Hollow Historic District.
(Applicant: **Todd Braverman**) (SCTM #0400-256.00-02.00-024.00)
(2010-ZC-21-Ch. 198)

DECISION RESERVED

BOARD OF TRUSTEES HEARING:

1. Consider the execution of a license agreement pursuant to the Marine Conservation Law, Town Code Chapter 137, for the construction of a residential fixed pier and floating dock assembly.
(Owner: **Elizabeth Carillo**)
(Location: **265 Little Neck Rd., Centerport, New York**)
(SCTM #0400-049.00-01.00-013.000)
(2010-BT-16)

ENACTMENT #2010-BT-18

COMMUNITY DEVELOPMENT AGENCY HEARING:

1. Obtain the views of citizens, public agencies and other interested parties on the housing and community needs of the Town of Huntington in preparation for applying for fiscal year 2011 Community Development Block Grant.

HEARING CONCLUDED

**AGENDA FOR TOWN BOARD
MEETING DATED: DECEMBER 14, 2010**

RESOLUTIONS:

OFF. SEC. VOTE

ABBREVIATIONS FOR PURPOSE OF AGENDA:

Supervisor Frank P. Petrone	-	FP
Councilwoman Susan A. Berland	-	SB
Councilman Mark A. Cuthbertson	-	MC
Councilwoman Glenda A. Jackson	-	GJ
Councilman Mark Mayoka	-	MM

- | | | | | |
|------------------|--|--------------------------------------|------------------|-----------------|
| 2010-563. | AUTHORIZE the Supervisor to execute an Intermunicipal Agreement with the Towns of Oyster Bay and Southampton for the provision of a software program to be developed, installed and maintained by MAXXVAULT, L.L.C. for use by the respective Town Clerk's Offices, and authorizing the Supervisor to execute an agreement with MAXXVAULT, L.L.C. for the provision of such services. (Subject to Permissive Referendum) | <u>FP</u> | <u>SB</u> | <u>5</u> |
| 2010-564. | AUTHORIZE the Supervisor, acting on behalf of the Huntington Sewer District to apply for and receive funding from the Green Innovation Grant Program 2010 administered by the New York State Environmental Facilities Corporation, nunc pro tunc. | <u>FP</u> | <u>MC</u> | <u>5</u> |
| 2010-565. | AUTHORIZE the execution of an agreement with Holzmacher, McLendon, & Murrell P.C. to provide annual engineering retainer services for 2011 for the Huntington and Centerport Sewer Districts. | <u>MC</u> | <u>MM</u> | <u>5</u> |
| 2010-566. | AUTHORIZE the execution of an agreement with H2M Labs Inc. to provide annual laboratory wastewater analysis services for 2011 for the Huntington Sewer District. (Effective through December 31, 2011) | <u>GJ</u> | <u>MC</u> | <u>5</u> |
| 2010-567. | AUTHORIZE the Supervisor to execute an agreement with Envirotrac Ltd. for groundwater and surface water monitoring in compliance with the record of decision for the East Northport Landfill. (Effective through December 31, 2011) | <u>GJ</u> | <u>MC</u> | <u>5</u> |
| 2010-568. | AUTHORIZE the Supervisor to execute an extension to the contract with Israeloff, Trattner & Co. P.C., to perform auditing and accounting services for the Town of Huntington and to execute an extension to the contract with Fuoco Group, LLP, to perform auditing and accounting services for the Huntington Human Services Institute, Cultural Affairs Institute & Youth Bureau Institute, and appoint each as official town auditors to perform said accounting and auditing services for the Fiscal year ending December 31, 2010. | <u>SB</u> | <u>GJ</u> | <u>5</u> |
| 2010-569. | AUTHORIZE the Supervisor to apply for and receive funding from the County of Suffolk for the Residential Repair Program for the elderly of Huntington, nunc pro tunc. (Period: January 1, 2011 through December 31, 2011) | <u>SB</u>
<u>GJ</u> | <u>FP</u> | <u>5</u> |

**AGENDA FOR TOWN BOARD
MEETING DATED: DECEMBER 14, 2010**

RESOLUTIONS:	OFF.	SEC.	VOTE
2010-570. AUTHORIZE the Supervisor to execute agreements on behalf of the Department of Human Services for the Year 2011.(Re: Child Care Council of Suffolk, Inc., Family Service League, Inc., Federation of Organizations, Inc., Huntington Breast Cancer Action Coalition, Inc., Literacy Suffolk, Inc. and Pederson-Krag Center, Inc.)	SB <u>GJ</u>	<u>FP</u>	<u>5</u>
2010-571. AUTHORIZE the Supervisor to execute agreements for meeting places for Senior Citizens of the Town of Huntington. (Re: Centerport Methodist Church, County of Suffolk (3 Agreements), Gloria Dei Lutheran Church, Harborfields Public Library, Huntington Public Library, Northport Public Library (2 Agreements), Paumanack Village I & II, Paumanack Village III & IV, Union United Methodist Church, St. Matthew's R. C. Church and St. Paul's Lutheran Church)	SB <u>GJ</u>	<u>MM</u>	<u>5</u>
2010-572. AUTHORIZE the Supervisor to execute an agreement between the Town of Huntington and the Huntington Human Services Institute, Inc. for the purpose of implementing the 2011 Black History and Hispanic Heritage Programs. (Period January 1, 2011 through December 31, 2011)	<u>GJ</u>	<u>MC</u>	<u>5</u>
2010-573. AUTHORIZE the Supervisor to apply for and receive funding from the County of Suffolk for Nutrition Services for Senior Citizens, nunc pro tunc. (Period: January 1, 2011 through December 31, 2011)	SB <u>GJ</u>	<u>FP</u>	<u>5</u>
2010-574. AUTHORIZE the Supervisor to execute an agreement with St. Hugh of Lincoln R. C. Church for the use of facilities for the Operation of a Nutrition Satellite. (Period: January 1, 2011 through December 31, 2011)	SB <u>GJ</u>	<u>MC</u>	<u>5</u>
2010-575. AUTHORIZE the Supervisor to extend a license agreement with Starflower Experiences, Inc. for educational use of Manor Farm Park. (SCTM# 0400-212-01-045.001) (Term expires December 31, 2015)	<u>SB</u>	<u>GJ</u>	<u>5</u>
2010-576. AUTHORIZE the Supervisor to execute agreements for the provision of various youth services on behalf of the Youth Bureau for the Year 2011. (Re: Tri Community and Youth Agency, Inc. (Region I), Youth Directions and Alternatives, Community and Youth Agency (Region II), Regional Enrichment Agency of Commack, Half Hollow Hills, Community and Youth Agency, Inc. (Region III), Family Service League of Suffolk County, Inc., Long Island Crisis Center, Inc., Huntington Youth Bureau Youth Development Research Institute, Inc., Huntington Youth Bureau Youth Development Research Institute, Inc., C.A.S.T. Program (Tri-Community and Youth Agency, Inc. Region I)	SB <u>GJ</u>	<u>FP</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: DECEMBER 14, 2010**

RESOLUTIONS:	OFF.	SEC.	VOTE
2010-577. AUTHORIZE the Supervisor to execute an agreement with the Huntington YMCA for use of Coindre Hall gymnasium for the purpose of conducting a sports camp. (Re: August 8, 2011 to August 26, 2011, Monday through Friday, 9:00 am to 4:00 pm)	<u>MM</u> <u>SB</u>	<u>FP</u> <u>GJ</u>	<u>5</u>
2010-578. AUTHORIZE the Supervisor to execute an agreement with Bricks 4 Kidz to provide a hands-on enrichment program for children to design and construct machines and buildings using Lego Bricks. (Period: June 1, 2011 through June 1, 2013)	<u>SB</u>	<u>GJ</u>	<u>5</u>
2010-579. AUTHORIZE the Supervisor to execute contracts for additional professional ice skating instructors at the Dix Hills Park Ice Rink. (Period: January 1, 2011 through December 31, 2011) (Re: Alexis Moed, Mary Lynn Gelderman and Matt Thomas)	<u>SB</u>	<u>MC</u>	<u>5</u>
2010-580. AUTHORIZE the Supervisor to execute a contract with Trinity Transportation Corporation for the transportation of yardwaste, nunc pro tunc. (Period: November 27, 2010 through December 31, 2011)	<u>SB</u>	<u>MC</u>	<u>5</u>
2010-581. AUTHORIZE the Supervisor to execute a contract with Looks Great Services, Inc. for the Townwide requirements contract for tree removal – zone 1. (Effective through December 31, 2011)	<u>FP</u>	<u>GJ</u>	<u>5</u>
2010-582. AUTHORIZE the Supervisor to execute a contract with Conservation Control Corp. for the Townwide requirements contract for tree removal – Zone 2. (Effective through December 31, 2011)	<u>FP</u>	<u>GJ</u>	<u>5</u>
2010-583. AUTHORIZE the Supervisor to execute an extension to the contract with Telecom Communications, Inc. for communications equipment repair. (Period: January 1, 2011 through December 31, 2011)	<u>GJ</u>	<u>FP</u>	<u>5</u>
2010-584. AUTHORIZE the Supervisor to execute a contract with 192 Branch Interior Services, Inc. for asbestos and lead-based paint abatement at 1000 New York Ave, Huntington Station, New York, nunc pro tunc. (Contract Period: 90 Days)	<u>FP</u>	<u>MC</u>	4-AYES 1-NO <u>(MM)</u>
2010-585. REMOVED FROM AGENDA AT WORKSHOP.			
2010-586. AUTHORIZE the Supervisor to execute an extension to the franchise agreement with United Soccer Academy, Inc. for the youth sports programs at various Town Parks. (Period: January 1, 2011 through December 31, 2011)	<u>SB</u>	<u>MC</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: DECEMBER 14, 2010**

RESOLUTIONS:	OFF.	SEC.	VOTE
2010-587. AUTHORIZE the Supervisor to execute an extension to the franchise agreement with Mad Science of Long Island for science camps and programs for the Town of Huntington Department of Parks and Recreation. (Period: January 1, 2011 through December 31, 2011)	<u>SB</u> <u>GJ</u>	<u>FP</u>	<u>5</u>
2010-588. AUTHORIZE the execution of a contract with Peter Scalamandre & Sons, Inc. for the Huntington Sewer District replacement of the Hill Place Sewer.	<u>MC</u>	<u>FP</u>	4-AYES 1-ABST <u>(MM)</u>
2010-589. AUTHORIZE the Supervisor to execute an agreement with Cutting Edge Video Productions for the design, scripting, filming, and production of a public outreach video regarding stormwater pollution issues.	<u>GJ</u>	<u>MC</u>	4-AYES 1-NO <u>(MM)</u>
2010-590. AUTHORIZE amendment of the contract with Wire to Water, Inc. for upgrades to the Supervisory Control and Data Acquisition (SCADA) System for the Dix Hills Water District.	<u>SB</u>	<u>GJ</u>	<u>5</u>
2010-591. AUTHORIZE execution of an agreement with H2M Group for Engineering Services to evaluate various conditions of caustic and diesel fuel storage tanks for the Dix Hills Water District.	<u>SB</u>	<u>GJ</u> <u>FP</u>	<u>5</u>
2010-592. AUTHORIZE the Comptroller to eliminate all full-time positions vacated by retirement and/or attrition and transfer surplus monies created by such vacancies to a general contingency account into their respective Operating funds for the year 2011.	<u>FP</u>	<u>MC</u>	<u>5</u>
2010-593. AUTHORIZE the Comptroller to amend the 2010 Operating Budget for the Town of Huntington and its Special Districts – various Departments.	<u>FP</u>	<u>MC</u>	<u>5</u>
2010-594. AUTHORIZE the Comptroller to amend the 2010 Capital Budget for the Town of Huntington and its Special Districts for certain repairs at the John J. Flanagan Senior Center – Department of General Services. (Re: Repairs to the induced draft fans on the boilers)	<u>SB</u> <u>GJ</u>	<u>MC</u>	<u>5</u>
2010-595. AUTHORIZE the Town Attorney to levy on the substitution bond of George Abbale, as applicant, for the required improvements for the subdivision known as Norma Lee Estates.	<u>MC</u>	<u>FP</u>	<u>5</u>
2010-596. AUTHORIZE settlement of a claim (Harleysville Insurance Co. a/s/o A.L. Jacobson Funeral Home v Town of Huntington).	<u>MC</u>	<u>GJ</u>	<u>5</u>
2010-597. AUTHORIZE the Personnel Office to administer a program pursuant to General Municipal Law §92(a)7 which will allow Town of Huntington volunteer emergency responders to purchase medical insurance through the Town's existing group insurance plan.	<u>SB</u>	<u>FP</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: DECEMBER 14, 2010**

RESOLUTIONS:	OFF.	SEC.	VOTE
2010-598. AUTHORIZE the Supervisor to execute a contract with Laure C. Nolan, Esq. to provide consulting services to the Town of Huntington and to the Town Supervisor's Office.	<u>FP</u> <u>MC</u>	<u>GJ</u>	4-AYES 1-ABST <u>(MM)</u>
2010-599. AUTHORIZE the execution of a settlement agreement and release in the matter of certain lawsuits related to Methyl Tertiary Butyl Ether ("MTBE") on behalf of the Town of Huntington and the Dix Hills Water District. (Re: Irving Oil Limited and Highlands Fuel Delivery LLC (f/k/a Irving Oil Corporation) and Irving Oil Terminals, Inc.)	<u>SB</u>	<u>GJ</u>	3-AYES 1-NO (MM) 1-ABST <u>(MC)</u>
2010-600. AUTHORIZE the correction of code violations at various locations pursuant to the Code of the Town of Huntington and/or the Uniform Codes of the State of New York. (Re: Annmar Holding LLC, 1570 New York Avenue, Huntington Station, SCTM# 0400-146.00-01.00-025.000, Chapter 119; Kamila Dottin, 285 Broadway, Huntington, SCTM# 0400-160.00-01.00-085.000, Chapters 124 (Section 8D & 8F), 133; John/Cynthia Overbeck, 1 Harding Place, Huntington Station, SCTM# 0400-199.00-03.00-069.000, Chapters 133, 156, 191; Walter/Jo Ann Hergenhan, 9 Maryanne Court, Huntington, SCTM# 040-077.00-02.00-036.007, Chapter 191; Abdul Omar/Noorullah Zadran, 2 Holdsworth Drive, Huntington, SCTM# 0400-093000-02.00-115.001, Chapters 301, 302; Mohammed Sabur, 24 Lorraine Court, Northport, SCTM# 0400-055.00-01.00-048.003, Chapter 302 (Section 1 & 4))	<u>SB</u>	<u>GJ</u>	<u>5</u>
2010-601. REMOVED FROM AGENDA AT WORKSHOP.			
2010-602. REMOVED FROM AGENDA AT EXECUTIVE SESSION.			
2010-603. REMOVED FROM AGENDA AT EXECUTIVE SESSION.			
2010-604. ESTABLISH September 11 th as a memorialized day to honor the fallen victims of September 11 th and to establish a September 11 th Memorial Advisory Committee. (Re: Committee will consist of 5 members who shall serve without compensation and shall be comprised of the following: Councilman Mayoka; Councilwoman Berland; one representative to be designated by each of the three remaining Town Board members; the Director of the Department of General Services; the Director of the Department of Parks and Recreation and the Town Attorney or his designee; Report and recommendations due by March 31, 2011)	<u>MM</u>	<u>FP</u> <u>SB</u>	<u>5</u>
2010-605. REMOVED FROM AGENDA AT EXECUTIVE SESSION.			

**AGENDA FOR TOWN BOARD
MEETING DATED: DECEMBER 14, 2010**

RESOLUTIONS:	OFF.	SEC.	VOTE
2010-606. ACCEPT a Final Environmental Impact Statement (FEIS) for the Zone Change Application of Triangle Equities (Kensington Estates), Town of Huntington Application #2006-ZM-363, to change the zone form R-40 Residence District to R-RM Retirement Community District in the Town of Huntington and R1-1A District to RMF-10 District in the Town of Oyster Bay for property located on the southeast corner of Jericho Turnpike and Plainview Road, West Hills/Woodbury.	<u>MM</u>	<u>SB</u>	4-AYES 1-ABST (MC)
2010-607. ADOPT the recommendations of the Administrative Hearing Officer in the matter of the appeal of Frederick A. Torres (Re: Transportation for hire Operator's Permit). (Re: Approval)	<u>FP</u>	<u>MC</u>	<u>5</u>
2010-608. APPOINT Huntington Greenway Trails Citizens Advisory Committee Chairperson. (Re: Laura McKellar)	<u>MC</u>	<u>GJ</u>	<u>5</u>
2010-609. APPOINT an Acting Director of the Department of Engineering for the Town of Huntington. (Re: Peter Wolpensinger)	<u>FP</u>	<u>SB</u>	<u>5</u>
2010-610. DEDICATE 22 Sabbath Day Path as parkland and authorizing comptroller to appropriate monies from the Environmental Open Space and Park Improvement Fund for recommended park improvements (Village Green Park). (SCTM# 0400-074.00-02.00-022.000)	<u>MC</u>	<u>FP</u>	<u>5</u>
2010-611. DISCONTINUE a portion of property identified by S.C.T.M. No. 0400-140.00-03.00-109.003 and a certain tract of land located at the intersection of Railroad Street and Lowndes Avenue as public roadways and authorizing the Supervisor to execute all necessary documents to transfer the tract of land at Railroad Street and Lowndes Avenue, in Huntington Station to the Huntington Community Development Agency for development and sale as affordable housing. (Subject to Permissive Referendum)	<u>FP</u>	<u>GJ</u>	<u>5</u>
2010-612. AMEND the criteria and process for the Take Back the Blocks Program and authorizing the implementation of same.	<u>FP</u>	<u>SB</u>	4-AYES 1-NO (MM)
2010-613. ESTABLISH a Municipal Housing Development Fund and adopting policies and procedures for administration of the The Municipal Housing Development Fund to be designated for Single Family Home Rehabilitation under the Take Back the Blocks Program. (Re: Huntington Community Development Agency is to administer the funds)	<u>FP</u> <u>GJ</u>	<u>SB</u>	4-AYES 1-NO (MM)

**AGENDA FOR TOWN BOARD
MEETING DATED: DECEMBER 14, 2010**

RESOLUTIONS:	OFF.	SEC.	VOTE
2010-614. EXTEND the time to make a determination regarding the adoption of Local Law Introductory Number 5-2010, considering Zone Change application #2008-ZM-372, Hilltop Homes, to change the Zoning from C-6 General Business and R-80 Residence District to R-3M Garden Apartment Special District for the property located on the southeast corner of East Main Street and Centershore Road, Centerport. (SCTM# 0400-079-03-001) (Time extended to April 8, 2011)	<u>MC</u>	<u>MM</u>	4-AYES 1-NO <u>(SB)</u>
2010-615. RETAIN Industrial and Utility Valuation Consultants, Inc. Re: review and analyzation of the 2011 equalization rate for the Town of Huntington and special segment rates for the Cold Spring Harbor School District and authorizing the Supervisor to execute an agreement with Industrial and Utility Valuation Consultants, Inc.	<u>MM</u> <u>MC</u>	<u>GJ</u> <u>SB</u>	<u>5</u>
2010-616. ENACTMENT: ADOPT Local Law Introductory Number 27-2010 amending the Code of the Town of Huntington Chapter 78 (Animals). (Re: Dog Licensing)	<u>MC</u>	<u>MM</u>	<u>5</u>
2010-617. ENACTMENT: ADOPT Local Law Introductory Number 28-2010 amending the Code of the Town of Huntington, Chapter 159 (Recreational Facilities), Article II (Use Regulations and Restrictions).	<u>MC</u>	<u>MM</u>	<u>5</u>
2010-618. ENACTMENT: APPROVE the issuance of a Certificate of Approval in a Historic District Re: 28 East Carver Street – Old Huntington Village Historic District. (Applicant: Paul Ehrlich) (SCTM# 0400-096.00-01.00-022.000)	<u>MC</u>	<u>FP</u>	<u>5</u>
2010-619. ENACTMENT: APPROVE the issuance of a Certificate of Approval in a Historic District Re: 45 East Main Street – Old Huntington Green Historic District. (Applicant: Paul Homer) (SCTM# 0400-074.00-03.00-031.007)	<u>SB</u>	<u>GJ</u>	<u>5</u>
2010-620. ENACTMENT: APPROVE the issuance of a Certificate of Approval in a Historic District Re: 84 Main Street – Cold Spring Harbor Historic District. (Applicant: Tom Hogan, Cold Spring Harbor Realty, LLC, Owner) (SCTM# 0400-63.00-03.00-026.000)	<u>MM</u>	<u>MC</u>	<u>5</u>
2010-621. ENACTMENT: APPROVE the issuance of a Certificate of Approval in a Historic District Re: 445 Main Street – Cold Spring Harbor Historic District. (Applicant: Peter Como) (SCTM# 0400-17.00-02.00-029.000)	<u>MM</u>	<u>SB</u>	<u>5</u>
2010-622. ENACTMENT: APPROVE the issuance of a Special Use Permit under Chapter 137 (Marine Conservation Law) Applicant: Patricia & Milan Nemes Location: 107 East Neck Rd., Huntington, New York S.C.T.M. #0400-036.00-01.00-004.001.	<u>SB</u> <u>GJ</u>	<u>FP</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: DECEMBER 14, 2010**

RESOLUTIONS:	OFF.	SEC.	VOTE
2010-623. SCHEDULE A PUBLIC HEARING: January 11, 2011 at 6:00 PM To consider adopting Local Law Introductory Number 31- 2010, amending the Code of the Town of Huntington, declaring a ninety-day moratorium on the issuance of approvals, grants, and/or conditional use permits by Town agencies Re: wireless communication facilities, transmission and/or reception antenna and/or towers.	<u>GJ</u>	<u>MC</u>	4-AYES 1-NO <u>(SB)</u>
2010-624. SCHEDULE A PUBLIC HEARING: January 11, 2011 at 6:00 PM To consider adopting Local Law Introductory No. 32 – 2010 amending the Code of the Town of Huntington, Chapter 180 (Taxicabs and Vehicles for Hire), Article III (Vehicle Requirements), §180-13 (Vehicle Regulations), Article V (Administrative Requirements), §180-20 (Transfers Unlawful), §180-21 (Expirations and Renewals), and Article VIII (Fees, Penalties and Miscellaneous Provisions), §180-36 (Fees). (Re: Car top advertising)	<u>SB</u>	<u>FP</u>	<u>5</u>
2010-625. SCHEDULE A PUBLIC HEARING: January 11, 2011 at 6:00 PM To consider awarding a license agreement to operate a Pro Shop Service at Dix Hills Park Twin Ice Rinks. (Re: NY Islanders Iceworks)	<u>FP</u>	<u>MC</u>	4-AYES 1-NO <u>(SB)</u>
2010-626. SCHEDULE A PUBLIC HEARING: January 11, 2011 at 6:00 PM To consider the issuance of a Special Use Permit under Chapter 137 (Marine Conservation) Applicant: Pamela J. Vogt Location: 161 Old Winkle Point Rd., Northport, N.Y. S.C.T.M. #400-005.00-003.00-004.002. (Re: NSEW Consulting)	<u>MC</u>	<u>FP</u>	<u>5</u>
2010-627. SCHEDULE A PUBLIC HEARING: January 11, 2011 at 6:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article II, §2-2, Schedule B. Re: Elwood Road, No Turn on Red.	<u>FP</u>	<u>MC</u>	<u>5</u>
2010-628. SCHEDULE A PUBLIC HEARING: January 11, 2011 at 6:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article IV, §2-7, Schedule G Re: Royal Lane – Stop Sign.	<u>GJ</u>	<u>FP</u>	<u>5</u>
2010-629. SCHEDULE A PUBLIC HEARING: January 11, 2011 at 6:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Longfellow Avenue, No Parking Restriction.	<u>GJ</u>	<u>FP</u>	<u>5</u>
2010-630. SCHEDULE A PUBLIC HEARING: January 11, 2011 at 6:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article I, §2-1, Schedule A Re: Traffic Signal – Centerport Road (CR86)/Blenheim Lane (South).	<u>FP</u>	<u>GJ</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: DECEMBER 14, 2010**

RESOLUTIONS:	OFF.	SEC.	VOTE
2010-631. SCHEDULE A PUBLIC HEARING: January 11, 2011 at 6:00 PM To consider issuing a Certificate of Approval in an Historic District Re: 2 Country Meadow Court, Melville – Sweet Hollow Historic District. (Applicant: Joseph/Jody Murawski) (SCTM# 0400-256.00-01.00-019.010)	<u>GJ</u>	<u>FP</u>	<u>5</u>
2010-632. SCHEDULE A PUBLIC HEARING: January 11, 2011 at 6:00 PM To consider adopting Local Law Introductory No. 33 –2010 amending the Code of the Town of Huntington, Chapter 120 (Harbors and Waterways), Article I (Regulations and Restrictions).	<u>GJ</u>	<u>FP</u>	<u>5</u>
2010-633. SCHEDULE A PUBLIC HEARING: January 11, 2011 at 6:00 PM To consider adopting Local Law Introductory No. 34 –2010 amending the Code of the Town of Huntington, Chapter 159 (Recreational Facilities), Article II (Use Regulations and Restrictions).	<u>MC</u>	<u>FP</u>	<u>5</u>
2010-634. SCHEDULE A PUBLIC HEARING: January 11, 2011 at 6:00 PM To consider adopting Local Law Introductory No. 35 – 2010, amending the Code of the Town of Huntington, so as to add Subsection D to Section 174-3 of Chapter 174 (Liability of Town).	<u>MC</u>	<u>SB</u>	<u>5</u>
2010-635. AUTHORIZE the Supervisor to execute an extension to the contract with Kings Park Industries Inc. for the requirements contract for Road Rehabilitation. (Period: January 1, 2011 through December 31, 2011)	<u>SB</u>	<u>FP</u>	<u>5</u>
2010-636. AUTHORIZE settlement of a lawsuit. (Jeffrey and Alissa Hammerman v Town of Huntington)	<u>MC</u>	<u>GJ</u>	<u>5</u>
MOTION to add Resolution # 2010-637 to the Agenda.	<u>FP</u>	<u>MC</u>	<u>5</u>
2010-637. AUTHORIZE the Supervisor to execute an intermunicipal agreement with the Town of Smithtown. (Re: Disposal of solid waste and the shared use of the solid waste facility owned by Covanta Huntington Limited)	<u>FP</u>	<u>MC SB</u>	<u>5</u>
MOTION to add Resolution # 2010-638 to the Agenda.	<u>FP</u>	<u>MC GJ</u>	<u>5</u>
2010-638. AUTHORIZE the Supervisor to execute a solid waste disposal service agreement and site lease agreement with Covanta Huntington Limited.	<u>FP</u>	<u>MC SB</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: DECEMBER 14, 2010**

RESOLUTIONS:

OFF. SEC. VOTE

AGENDA FOR BOARD OF TRUSTEES'
MEETING DATED: DECEMBER 14, 2010

RESOLUTIONS:	OFF.	SEC.	VOTE
2010-BT17. ENACTMENT: APPROVE the granting of a variance and the issuance of a Special Use Permit under the Marine Conservation Law, Town Code Chapter 137 Applicant: Elizabeth Carillo Location: 265 Little Neck Rd., Centerport, New York S.C.T.M. #0400-049.00-01.00-013.000. (Re: John Palmieri- NSEW Consultants)	<u>MC</u>	<u>FP</u>	<u>5</u>
2010-BT18. ENACTMENT: APPROVE the execution of a license agreement pursuant to the Marine Conservation Law, Town Code Chapter 137, for the construction of a residential fixed pier and floating dock assembly. Owner: Elizabeth Carillo Location: 265 Little Neck Rd., Centerport, New York S.C.T.M. # 0400-049.00-01.00-013.000. (Re: John Palmieri- NSEW Consultants)	<u>MC</u>	<u>FP</u>	<u>5</u>
2010-BT19. SCHEDULE A PUBLIC HEARING: January 11, 2011 at 6:00 PM To consider the execution of a license agreement pursuant to the Marine Conservation Law, Town Code Chapter 137, Applicant: Patricia & Milan Nemes Location: 107 East Neck Rd., Huntington, New York S.C.T.M. #: 0400-036.00-01.00-004.001	<u>SB</u>	<u>MM</u> <u>GJ</u>	<u>5</u>

**AGENDA FOR COMMUNITY DEVELOPMENT AGENCY
MEETING DATED: DECEMBER 14, 2010**

RESOLUTIONS:	OFF.	SEC.	VOTE
2010-CD15. AUTHORIZE the retention of outside counsel nunc pro tunc (Ronald M. Terenzi, Esq.). (Re: Stagg, Terenzi, Confusione & Wabnik, LLP)	<u>FP</u>	<u>MC</u>	4-AYES 1-NO <u>(MM)</u>
2010-CD16. AUTHORIZE the Chairman to execute an extension to the contract with Israeloff , Trattner & Co. P.C., Certified Public Accountants, to conduct an independent audit for the Fiscal Year ending December 31, 2010.	<u>FP</u>	<u>GJ</u>	<u>5</u>
2010-CD17. AUTHORIZE the Chairman of the Huntington Community Development Agency to execute all necessary documents to accept the transfer of the tract of land at Railroad Street and Lowndes Avenue, in Huntington Station to the Huntington Community Development Agency for development and sale as Affordable Housing. (SCTM # 0400-140.00-03.00-109.003)	<u>FP</u> <u>GJ</u>	<u>SB</u>	<u>5</u>
2010-CD18. REMOVED FROM AGENDA AT WORKSHOP.			

INFORMATIONAL SHEET FOR TOWN BOARD MEETING

DATED: DECEMBER 14, 2010

COMMUNICATION

ACTION

1. Letters received Certified Mail – Applying for Liquor Licenses:

From: Patrick DeLuca for Jayson Kitton or Corp. to be formed (24 Clinton Avenue, Huntington); From: Patrick DeLuca for Joyce Calev or Corp. to be formed (118 West Hills Road, Huntington Station); From: Mergim Bazhdari for Blackbird Enterprises d/b/a DANU; From: Carreras & McCallen, PLLC for Kabul Restaurant Afghani Cuisine; From: Vito Giannola, Esq for Frank's Brooklyn Pizza Restaurant; From: Theodore Caligeros for Golden Dolphin Restaurant; From: Tom Lam for Nisen Sushi of Commack; From: John Mullen for Honu Kitchen & Cocktails; From: I. Yamagishi for Shaga Restaurant Inc.;

Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility

2. Letters received Certified Mail – Renewal for Liquor Licenses:

From: Liying Qiao for Hikudo Asian Bistro and Sushi; From: Giusuppe Licata for Gino's of Northport; From: Mark Bonavita for Dix Hills Golf, Inc; From: Chae Moae for Yim Yummy Food Corp (95 West Jericho Tpke); From: Mike Conforti for Artful Dodger; From: Diane Luciani for Mama Lucia's Pizzeria & Restaurant; From: Albert Salese for Juniors Family Pizza Inc.; From: Pearl DeVeau for Neighborhood Bar Inc.; From: John Martin for Martoni's Restaurant Corp.; From: Theofilos Vazanellis for Happily Ever Java Inc. Classy Coffee; From: Roberto Ornato for Jonathan's; From: Robert haddow for The Crossroads Café;

Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility

3. Letter received from Marlene Zamari in support of the proposed development of the Dougal Property to be known as Kensington Estates.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

4. Letter received from Lynn Pincomb, Village Administrator for Huntington Bay, regarding a Zoning Board of Appeals Hearing to be held on November 18, 2010 at 7:30 PM for: A) 21 Highview Drive – District B – remove and replace an existing retaining wall and a portion of the driveway and legalize the installation of a generator. B) 354 Bay Avenue – District D – construct additions and alterations.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

5. Letter received from Karen Kalina in support of the proposed development of the Dougal Property to be known as Kensington Estates.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

6. Andrew Freleng, Chief Planner for Suffolk County, sent letters regarding resolution numbers 2010-558, 2010-560 and 2010-BT16, they are to be considered a matter of local determination and this decision should not be construed as an approval or disapproval.

Supervisor
Town Board
Town Attorney
Engineering Services
Maritime Services
cc: Planning & Environment

7. Letter received from Genevieve Carr, Program Director for the Empire State Development regarding Huntington – Restore II – Columbia/Tower Street Housing Project Public Hearing. The hearing will be held on November 15, 2010 from 2:30 – 3:30 PM at the W.H. Rogers Legislative Building in Hauppauge. A copy of the legal notice was attached along with copies of the general project plan.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
8. Letter received from Lynn Pincomb, Village Administrator for Huntington Bay regarding a Zoning Board of Appeals hearing to be held on November 18, 2010 at 7:30 PM at Village Hall re: 7 Heckscher Drive – to construct an inground pool and spa, additional patios and to remove, reconstruct and enlarge an existing one story addition.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
9. Alteration application notice form received from George Echeveria for the La Docena Restaurant Inc. located at 872 East Jericho Turnpike Huntington Station.
- Supervisor
Town Board
Town Attorney
Engineering Services
Public Safety
Fire Inspector
Sewage Treatment Facility
cc: Planning & Environment
10. Letter from Victor Manuel, Assistant Superintendent for Finance and Facilities, for the Half Hollow Hills Central School District, with a copy of the budget for 2010-2011.
- cc: File
11. Letter received from Thomas Isles, Director of Suffolk County Planning, with a notice of a public meeting attached which they are requesting that the Town Clerk post. The meeting is regarding Lease Application Cycle #3 under the Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay. The meeting will be held on November 30, 2010 from 4:00 PM to 6:00 PM in the Cornell Cooperative Extension Kermit W. Graf Building.
- Supervisor
Town Board
Town Attorney
cc: Maritime Services
12. Email received from Alicia Hendel, Legislative Aide for the Suffolk County Clerk, regarding five resolutions passed on November 16, 2010: A) 1056-2010 – levying unpaid sewer rents and charges in Suffolk County Sewer District No.3 – Southwest in the Towns of Babylon, Huntington and Islip. B) 1061-2010 – determining equalized real property valuations for the assessment rolls of the 10 towns. C) 1063-2010 – approving and directing the levy of taxes and assessments for sewer districts of Suffolk County under the Suffolk County Budget for fiscal year 2011. D) 1064-2010 affirming, confirming, and adopting the assessment roll for Suffolk County Sewer District No. 3 – Southwest and directing the levy of assessments and charges within the Towns of Babylon, Islip and Huntington for the Southwest Sewer District in the County of for the fiscal year 2011.
- Supervisor
Town Board
cc: Town Attorney
13. Letter hand delivered from Nancy McFadzen, Secretary of the Commack Fire District, regarding the district election to be held on December 14, 2010. A copy of the election notice was attached for posting on the Town Clerk's notice board and on the Town website.
- Supervisor
Town Board
Town Attorney
cc: Fire District

14. Letter received from Richard Koubek, President of the Huntington Township Housing Coalition, regarding the proposed revolving loan fund for affordable housing.
- Supervisor
Town Board
Town Attorney
Engineering Services
Human Services
Community Development
cc: Planning & Environment
15. Emailed copies of the legal notices for the annual elections for the Melville Fire District and the Cold Spring Harbor District received.
- Supervisor
Town Board
Town Attorney
cc: Fire Prevention
16. Notification from Vincent Puleo, Town Clerk of Smithtown, of a public hearing to be held on December 14, 2010 at 2:01 PM at the Town Hall regarding PIT Partners, LLP – modification to Special Exception for commercial public recreational facility.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
17. Letter from the Reverend David Ware, Rector of St. John's Church in Cold Spring Harbor, asking for the support of the Supervisor and the Town Board creating a revolving loan program through the Affordable Housing Trust Fund.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
18. Email received of the copy of the legal notice for the annual election for the Greenlawn Fire District.
- Supervisor
Town Board
Town Attorney
cc: Fire Prevention
19. Copy of the Legal Notice received from Dix Hills Fire District regarding the annual election.
- Supervisor
Town Board
Town Attorney
cc: Fire Prevention
20. Copy of the Legal Notice received from Halesite Fire District regarding the annual election.
- Supervisor
Town Board
Town Attorney
cc: Fire Prevention
21. Letter received from Lynn Pincomb, Village Administrator for Huntington Bay regarding Planning Board hearings to be held on December 13, 2010 at 7:30 PM at Village Hall re: A) 354 Bay Avenue – construct additions and alterations B) 23 Sydney Road – construct an in-ground pool, pool surround, patio and additional hardscape.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
22. Letter received from Lynn Pincomb, Village Administrator for Huntington Bay regarding Zoning Board of Appeals hearing to be held on December 16, 2010 at 7:30 PM at Village Hall re: 7 Heckscher Drive – construct an in ground pool and spa, additional patios and to remove, reconstruct and enlarge an existing one story addition which requires various variances.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

23. Email received from Tim Laube, Clerk for the Suffolk County Legislature, with the town's signed and sealed tax warrant and the related certified resolutions for this year's tax warrant process as they apply to the town. Resolution #1168-2010- implementing budget, staff and taxes for the fiscal year 2011 (Discretionary); Resolution # 1167-2010 – levying unpaid water rents; Resolution #1165-2010 - approving the tabulation of town charges and fixing the tax levies and charges to the towns under the county budget for fiscal year 2011; Resolution # 1166-2010 - amending Resolution # 1061-2010; Resolution# 1164-2010 – approving the return of the fund balance of the General Fund, Police District Fund and District Court District to the taxpayers of the towns of Suffolk County; Resolution # 1170-2010 – authorizing that the tax warrants be signed by the Presiding Officer and Clerk of the County Legislature and that they be annexed to the tax rolls for the collection of taxes; Resolution # 1065-2010 – Extending the time for the annexation of the warrant to the tax rolls; Resolution # 1066-2010 – approving the tabulation of Town charges and fixing the tax levies and charges to the towns for the MTA tax under the county budget for fiscal year 2011; Resolution # 1061-2010 – determining equalized real property valuations for the assessment rolls of the 10 towns; Resolution #1064-2010 – affirming, confirming, and adopting the assessment roll for Suffolk County Sewer District No. 3 – Southwest and directing the levy of assessments and charges within the Towns of Babylon, Islip and Huntington for the Southwest Sewer District in the County of Suffolk for fiscal year 2011; Resolution # 1063-2010 – approving and directing the levy of taxes and assessments for Sewer Districts of Suffolk County under the Suffolk County budget for fiscal year 2011; Resolution # 1059-2010 – levying unpaid sewer rents and charges in Suffolk County Sewer Districts; No. 6 (Kings Park), No. 13 (Windwatch), No. 15 (Nob Hill), No. 18 (Hauppauge Industrial), No. 22 (Hauppauge Municipal) and No. 28 (Fairfield at St. James) in the Town of Smithtown; Resolution # 1058-2010 – levying unpaid sewer rents and charges in Suffolk County Sewer Districts; No. 1 (Port Jefferson), No. 2 (Tallmadge Woods), No. 7 (Medford), No. 10 (Stony Brook), No. 11 (Selden), No. 12 (Birchwood N Shore), No. 14 (Parkland) No. 19 (Haven Hills), No. 20 (William Floyd), and No. 23 (Coventry Manor) in the Town of Brookhaven; Resolution # 1057-2010 – levying unpaid sewer rents and charges in Suffolk County Sewer Districts; No. 13 (Wind Watch), No. 14 (Parkland), No. 15 (Nob Hill) and No. 18 (Hauppauge Industrial) in the Town of Islip; Resolution # 1056-2010 – levying unpaid sewer rents and charges in Suffolk County Sewer District No. 3 – Southwest in the Towns of Babylon, Huntington and Islip; Resolution # 1169-2010 – implementing budget, staff, and taxes for the fiscal year 2011 (mandated); and copies of Tax Warrants included.
- Supervisor
Town Board
Town Attorney
Tax Receiver
cc: Tax Assesor
24. Letter received from Jane F. O'Keefe, Esq., regarding Kensington Estates. Ms. O'Keefe is representing Maureen DeMicco, the executrix of the estate of Theresa K. Jones. The estate is requesting that Mr. Paul Jones' name be removed from the petition that he executed on May 24, 2010 objecting to Kensington Estates. He was not the owner of the property located at 40 Plainview Road, Woodbury; Theresa K. Jones was the owner and she passed away on September 25, 2010 and the property is currently part of her estate. The estate is consenting to the proposed change.
- Supervisor
Town Board
Town Attorney
cc: Planning & Environment

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN INTERMUNICIPAL AGREEMENT WITH THE TOWNS OF OYSTER BAY AND SOUTHAMPTON FOR THE PROVISION OF A SOFTWARE PROGRAM TO BE DEVELOPED, INSTALLED AND MAINTAINED BY MAXXVAULT, L.L.C. FOR USE BY THE RESPECTIVE TOWN CLERK'S OFFICES, AND AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH MAXXVAULT, L.L.C. FOR THE PROVISION OF SUCH SERVICES

Resolution For Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **SUPERVISOR PETRONE**

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Huntington Town Clerk is charged with the duty of maintaining official town records including records of permits and licenses issued by the Town and the renewal thereof; and

WHEREAS, Admit Computer Services, Inc. retained by the Town in 1997 to provide and service Impact Software, the software program currently used by the Huntington Town Clerk for the storage of data, data retrieval, and renewal of such permits and licenses, has advised the Town that as of December 31, 2010, it will no longer provide or service its software; and

WHEREAS, MAXXVAULT, L.L.C. has submitted a proposal to replace the Impact Software utilized by the Town Clerks of the Towns of Huntington, Oyster Bay and Southampton with software which will improve the ability of the Town Clerks to store, index, and retrieve data; update fields as necessary; renew licenses and permits, and provide daily totals and summary reports as desired by the Town Clerk; and

WHEREAS, MAXXVAULT, L.L.C. has proposed to develop and install the software, transfer existing data, and train the respective personnel of all three towns for a total sum of \$50,000.00, each Town contributing the sum of \$16,667.00 toward the development and installation of the system; and

WHEREAS, annual maintenance cost is expected to be \$3,000.00 per town for the term of the agreement with MAXXVAULT, L.L.C., and the Town of Huntington will receive a one-time credit of \$500 for each municipal client referred to MAXXVAULT, L.L.C. who purchases the MaxxClerk software; and

WHEREAS, in order to secure and implement the new software system an intermunicipal agreement outlining the payments to be made by each of the Towns is necessary and proper; and

WHEREAS, under Section 51 of Town Law, the Town Board of a suburban town shall be the appropriating governing body of said town and shall have and exercise all power

and duties as are conferred or imposed upon it and one such power and duty is to approve all budgetary amendments; and

WHEREAS, the Town Board approved appropriated funds to be set aside for the purpose of a Technology Reserve Fund (A-0888) in accordance with Section 6-c of General Municipal Law and will be used to fund the cost of the software development and related computer equipment needed; and

WHEREAS, this resolution is adopted subject to permissive referendum as set forth in Town Law Section 90 and shall take effect thirty (30) days after its adoption or, if a referendum is held, upon the affirmative vote of a majority of the qualified electors of the issuer voting on the referendum; and

WHEREAS, the execution of an intermunicipal agreement and a contract for the provision of software services is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(C)(20) and therefore no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an inter-municipal agreement with the TOWN OF OYSTER BAY and TOWN OF SOUTHAMPTON whereby each agrees to pay one-third (1/3) of the total cost of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS to MAXXVAULT, L.L.C., for the development and installation of the MaxxClerk System software, training and other services; and

FURTHER AUTHORIZES the Supervisor to execute an agreement with MAXXVAULT, L.L.C., 131 Hoffman Lane, Islandia, New York 11749, for the provision of software services, including but not limited to development and installation of the MaxxClerk System (software), data transfer, functionality, and employee training for the Town's one-third share not to exceed SIXTEEN THOUSAND SIX HUNDRED SIXTY-SEVEN AND NO/100 (\$16,667.00) DOLLARS to be charged to Capital Budget Item No. IT1997-2210, and THREE THOUSAND AND NO/100 (\$3,000) DOLLARS for the annual cost of maintenance of the software system and support services, during the term of the License Agreement, to be charged to Operating Budget Line Item No. A1680-4570, subject to any credits due the Town for the recommendation of new municipal clients to MAXXVAULT, and on such other terms and conditions as deemed necessary by the Town Attorney; and

HEREBY AUTHORIZES the Comptroller to amend the 2010 Operating and Capital Budget for the software development costs of \$16,667, and anticipated related software/technology upgrades of \$4,038 for this implementation as follows:

2010-563

Increase the following Revenue:

A-0511R	Appropriated Reserves	(\$ 20,705.00)
---------	-----------------------	----------------

Increase the following Appropriation:

IT1997-2210	Computers, Software & Printers	20,705.00
-------------	--------------------------------	-----------

FURTHER BE IT RESOLVED THAT the Town Clerk is hereby authorized and directed to, within ten (10) days after the adoption of this resolution, cause this resolution to be (a) published in the official newspapers of the Issuer, and (b) posted on the sign board of the Town maintained pursuant to the Town Law, together with a notice of adoption thereof.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR, ACTING ON BEHALF OF THE HUNTINGTON SEWER DISTRICT TO APPLY FOR AND RECEIVE FUNDING FROM THE GREEN INNOVATION GRANT PROGRAM 2010 ADMINISTERED BY THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, NUNC PRO TUNC

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: Supervisor Petrone

And seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the New York State Environmental facilities Corporation Green Innovation Grant Program (NYSEFC GIGP) provides seed money for projects which spur green innovation, build green capacity, and facilitate technology throughout the State; and

WHEREAS, the Town of Huntington Sewage Treatment Facility utilizes Sequential Batch Reactor Process Technology which incorporates large volumes of air to promote the biological treatment of wastewater and uses three 125 horsepower blowers to do so; and

WHEREAS, these blowers require large amounts of electricity for this process and the Town wishes to reduce its electrical consumption wherever it is technically possible and has determined that 100 horsepower rotary lobe compressors can replace the existing blowers; providing the same amount of air while reducing electrical consumption by 30%; and

WHEREAS, the Town wishes to change out the three existing blowers and replace them with the more energy efficient rotary lobe compressors and has made an application to the NYSEFC GIGP for the total cost of purchase and installation of these compressors in the amount of \$200,000 with the Town's required portion of funding to be 10% or \$20,000; and

WHEREAS, the proposed action has been classified as a Type II Action pursuant to 6 N.Y.C.R.R. Section 617.5 (c)(20) and (27), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to apply for nunc pro tunc, and receive the sum of ONE HUNDRED EIGHTY THOUSAND AND NO/100 (\$180,000.00) DOLLARS from the New York State Environmental Facilities Corporation for the purchase and

installation of energy efficient blowers with a Town match of TWENTY THOUSAND AND NO/100 (\$20,000.00) DOLLARS and to authorize the Supervisor to execute any documents in connection and related therewith upon such terms and conditions as may be acceptable to the Town Attorney; and

HEREBY AUTHORIZES the Comptroller to amend the Town's Operating Budget and Capital Budget's, for the purpose set forth in the grant, upon execution of all required documentation, not to exceed the amount awarded and the Town's share of funding required.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010-565

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
HOLZMACHER, McLENDON, & MURRELL P.C. TO PROVIDE ANNUAL
ENGINEERING RETAINER SERVICES FOR 2011 FOR THE HUNTINGTON AND
CENTERPORT SEWER DISTRICTS

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Huntington and Centerport Sewer Districts require the services of a qualified engineering consulting service on retainer for technical support of day to day activities including review of process performance, sewer connection applications and regulatory compliance; and

WHEREAS, Holzmacher, McLendon, & Murrell P.C. has submitted proposals for annual engineering retainer services for the Huntington and Centerport Sewer Districts for 2011 and the Department of Environmental Waste Management has evaluated the proposals and found them acceptable; and

WHEREAS, the proposed action has been classified as a Type II Action pursuant to 6 NYCRR Part 617.5 (c) (20) and no further action is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the execution of an agreement with Holzmacher, McLendon, & Murrell P.C., 575 Broad Hollow Road, Melville, New York 11747 for annual engineering retainer services for 2011 for the Huntington and Centerport Sewer Districts for an amount not to exceed the sum of EIGHTEEN THOUSAND THREE HUNDRED FORTYAND NO/100 (\$18,340.00) DOLLARS to be charged to Operating Budget Items SS1-8131.4550 (\$15,920.00) and SS2-8132.4550 (\$2,420.00) and upon such other terms and conditions as approved by the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
H2M LABS INC. TO PROVIDE ANNUAL LABORATORY WASTEWATER
ANALYSIS SERVICES FOR 2011 FOR THE HUNTINGTON SEWER DISTRICT

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN JACKSON**

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Huntington Sewer District is required by Federal and State law to provide laboratory wastewater analysis data for the Huntington Sewage Treatment Plant to State and County regulatory agencies and such services must be completed by certified providers; and

WHEREAS, H2M Labs Inc. is certified to provide such wastewater sampling and analysis by the New York State Department of Health and has submitted a proposal to provide laboratory services for the Huntington Sewer District for 2011; and

WHEREAS, the Department of Environmental Waste Management has evaluated H2M Labs Inc.'s proposal and found them to be highly qualified to provide laboratory services to the Huntington Sewer District; and

WHEREAS, the proposed action has been classified as a Type II Action pursuant to 6 NYCRR Part 617.5 (c) (18), (20) and no further action is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the execution of an agreement and any documents in connection and related therewith with H2M Labs Inc., 575 Broad Hollow Road, Melville, New York 11747, to provide wastewater analysis laboratory services for the Huntington Sewer District for 2011 for an amount not to exceed the sum of THIRTY-ONE THOUSAND SIXTY-NINE AND XX/100 (\$31,069.00) DOLLARS to be charged to Operating Budget Item SS1-8131.4550 for a term commencing from the execution of the agreement through December 31, 2011 and upon such other terms and conditions as approved by the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010-567

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT
WITH ENVIROTRAC LTD. FOR GROUNDWATER AND SURFACE WATER
MONITORING IN COMPLIANCE WITH THE RECORD OF DECISION FOR THE
EAST NORTHPORT LANDFILL.

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN JACKSON**

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town of Huntington is required by a Record of Decision (ROD) to provide bi-annual sampling, analysis, and reporting of eleven groundwater monitoring wells and seven surface water locations of the known leachate plume of the East Northport landfill. This work has been provided by an outside consultant since the ROD was established in 1996, and periodically the Town solicits competitive proposals for these professional services; and

WHEREAS, EnviroTrac Ltd., has submitted a proposal for groundwater and surface water sampling, reporting, and analysis for the East Northport Landfill and the Department of Environmental Waste Management has evaluated the proposal and found it acceptable; and

WHEREAS, groundwater and surface water sampling, reporting, and analysis for the Town of Huntington East Northport landfill is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c)(18) and (c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement, and any documents in connection and related therewith, with EnviroTrac Ltd., 5 Old Dock Road Yaphank, New York 11980 for engineering services in conjunction with groundwater and surface water sampling, reporting, and analysis for the Town of Huntington East Northport landfill. The agreement period shall have an effective term commencing upon execution of the contract through December 31, 2011 with two (2) additional twelve (12) month periods upon mutual consent and upon such terms and conditions as approved by the Town Attorney and at the discretion of the Town Board, not to exceed the annual sum of TWELVE THOUSAND FIVE HUNDRED SIXTY TWO AND NO/100 (\$12,562.00) DOLLARS to be charged to the East Northport Landfill-Post Closure Maintenance operating budget line A 8166 4550 and upon such other terms and conditions as may be acceptable to the Town Attorney.

2010- 567

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE CONTRACT WITH ISRAELOFF, TRATTNER & CO. P.C., TO PERFORM AUDITING & ACCOUNTING SERVICES FOR THE TOWN OF HUNTINGTON AND TO EXECUTE AN EXTENSION TO THE CONTRACT WITH FUOCO GROUP, LLP, TO PERFORM AUDITING & ACCOUNTING SERVICES FOR THE HUNTINGTON HUMAN SERVICES INSTITUTE, CULTURAL AFFAIRS INSTITUTE & YOUTH BUREAU INSTITUTE, AND APPOINT EACH AS OFFICIAL TOWN AUDITORS TO PERFORM SAID ACCOUNTING AND AUDITING SERVICES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2010.

Resolution for Town Board meeting dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, Town Board Resolution 2008-712 authorized the Supervisor to execute a contract with Israeloff, Trattner & Co., P.C. for professional auditing and accounting services for the Town of Huntington, RFP 2008-11; and

WHEREAS, Town Board Resolution 2008-712 authorized the Supervisor to execute a contract with Fuoco Group, LLP for professional auditing and accounting services for the Huntington Human Services Institute, Cultural Affairs Institute, and the Youth Bureau Institute, RFP 2008-11; and

WHEREAS, said contracts provide for four one (1) year extensions upon mutual consent of both parties; and

WHEREAS, Israeloff, Trattner & Co., P.C and Fuoco Group, LLP have requested the Town Board's approval for the second one (1) year extension of the contract with no price increases; and

WHEREAS, the Town's Audit Committee has reviewed the auditor's performance, responsiveness, qualifications and proposal price and recommends that it is in the best interest of the Town to engage the current auditing firms and exercise the second year extension option for the performance of the 2010 annual audits; and

WHEREAS, the execution of this contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.2 (b), and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the contract with Israeloff, Trattner & Co., P.C. and appoint same as official Town Auditors to perform accounting and auditing services for the Town of Huntington for the fiscal year ending December 31, 2010 for an amount not to exceed the sum of EIGHTY-EIGHT THOUSAND FIVE HUNDRED AND NO/100 (\$88,500.00) DOLLARS to be charged to Operating Budget Item A1315-4550 for a term commencing January 1, 2011 and terminating December 31, 2011; and

HEREBY AUTHORIZES the Supervisor to execute a extension to the contract with Fuoco Group, LLP, and appoint same as official Town Auditors to perform accounting and auditing services for the fiscal year ending December 31, 2010, for an amount not to exceed the sum of THREE THOUSAND EIGHT HUNDRED AND NO/100 (\$3,800.00) DOLLARS for the Huntington Human Services Institute; and for an amount not to exceed sum of the sum of TWO THOUSAND SEVEN HUNDRED AND NO/100 (\$2,700.00) DOLLARS for the Cultural Affairs Institute, both to be charged to Operating Budget Item A1315-4550; and for an amount not to exceed the sum of FOUR THOUSAND THREE HUNDRED AND NO/100 (\$4,300.00) DOLLARS for the Youth Bureau Institute to be charged directly to the Youth Bureau Institute for a term commencing January 1, 2011 and terminating December 31, 2011.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010-569

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR AND RECEIVE FUNDING FROM THE COUNTY OF SUFFOLK FOR THE RESIDENTIAL REPAIR PROGRAM FOR THE ELDERLY OF HUNTINGTON, NUNC PRO TUNC

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by **COUNCILWOMAN BERLAND, COUNCILWOMAN JACKSON** and seconded by **SUPERVISOR PETRONE**

WHEREAS, the Residential Repair Program provides residential repair and renovations to upgrade substandard, unsuitable or unsafe housing including handicapped modifications for persons age 60 and older within the Town of Huntington; and

WHEREAS, the 2011 Adopted Suffolk County Operating Budget includes TWENTY-FIVE THOUSAND FOUR HUNDRED THIRTY-ONE AND NO/100 (\$25,431.00) DOLLARS for the Residential Repair Program; and

WHEREAS, applying for and receiving funds for this program is not an action as defined by 6 N.Y.C.R.R. of 617.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES, the Supervisor to apply for and receive funding from the County of Suffolk for the Residential Repair Program for the elderly of Huntington for the period of January 1, 2011 through December 31, 2011, for an amount not to exceed the sum of TWENTY-FIVE THOUSAND FOUR HUNDRED THIRTY-ONE AND NO/100 (\$25,431.00) DOLLARS to be recorded in 2011 Operating Budget Item A3774, and to execute any documents in connection therewith upon such other terms and conditions as are acceptable to the Town Attorney, nunc pro tunc.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark L. Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010- 570

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AGREEMENTS ON
BEHALF OF THE DEPARTMENT OF HUMAN SERVICES FOR THE YEAR 2011

Resolution for the Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN BERLAND, COUNCILWOMAN JACKSON**
and seconded by: **SUPERVISOR PETRONE**

WHEREAS, THE Town of Huntington annually enters contractual relationships with essential not-for-profit social and human service providers that offer assistance to Huntington residents funded through the auspices of the Department of Human Services; and

WHEREAS, the Town Board wishes to continue to maintain access to these social and human services for its residents through programs provided by said not-for-profit organizations and;

WHEREAS, the provisions of services pursuant to these agreements is not an action as defined By 6 N.Y.C.R.R. Section 617.2(b) and, therefore, no further SEQRA is required.

The following resolution was offered by:

And seconded by:

THE TOWN BOARD AUTHORIZES the Supervisor, to execute agreements, and any other documents in connection therewith, for the provision of services, pursuant to the indicated appropriations, for the year 2011 with the following agencies, and upon such other terms and conditions as may be acceptable to the Town Attorney:

<u>CONTRACTOR</u>	<u>APPROPRIATION</u>	<u>AMOUNT</u>
CHILD CARE COUNCIL OF SUFFOLK, INC. 60 Calvert Avenue, Commack, NY 11725		
Parent Leadership Initiative	A 6770.4014	\$10,000.00
Child Care Enhancement	A 6770.4021	\$35,000.00
 FAMILY SERVICE LEAGUE, INC. 790 Park Avenue, Huntington, NY 11743		
Emergency Housing Relocation	A 6770.4025	\$ 60,000.00
Work Plus	A 6770.4016	\$ 30,000.00
Elderlink	A 6770.4039	\$ 12,500.00
SeniorNet	A 6770.4055	\$ 10,000.00

FEDERATION OF ORGANIZATIONS, INC.
 1 Farmingdale Road, W. Babylon, NY 11704
 Foster Grandparents

A 6770.4013 \$10,800.00

HUNTINGTON BREAST CANCER
 ACTION COALITION, INC.
 P.O. BOX 1446, Huntington, NY 11743
 Lend A Helping Hand
 Students and Scientists Program

A 6770.4053 \$10,000.00
 A 6770.4056 \$ 5,000.00

LITERACY SUFFOLK, INC.

627 N. Sunrise Service Road, Bellport, N.Y. 11713 A 6312.4001 \$ 10,000.00

PEDERSON-KRAG CENTER, INC.

55 Horizon Drive, Huntington, N.Y. 11743 A 4225.4001 \$ 11,000.00

VOTE:

AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone
 Councilwoman Susan A. Berland
 Councilman Mark A. Cuthbertson
 Councilwoman Glenda A. Jackson
 Councilman Mark L. Mayoka

AYE
 AYE
 AYE
 AYE
 AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AGREEMENTS
FOR MEETING PLACES FOR SENIOR CITIZENS OF THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN BERLAND, COUNCILWOAMN JACKSON**
and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Senior Citizens of the Town of Huntington utilize certain facilities within the Town for meeting places and agreements have been prepared concerning the utilization of said places for 2011 as follows:

Centerport Methodist Church
County of Suffolk (3 Agreements)
Gloria Dei Lutheran Church
Harborfields Public Library
Huntington Public Library
Northport Public Library (2 Agreements)

Paumanack Village I & II
Paumanack Village III & IV
Union United Methodist Church
St. Matthew's R.C. Church
St. Paul's Lutheran Church

WHEREAS, the execution of agreements for meeting places for seniors is not an action as defined by 6 N.Y.C.R.R. 617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES, the Supervisor to execute agreements, and any documents in connection therewith, for meeting places for senior citizens for 2011 for various fees and specified periods as per each agreement to be charged to A-6772.4710 and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark L. Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF HUNTINGTON AND THE HUNTINGTON HUMAN SERVICES INSTITUTE, INC. FOR THE PURPOSE OF IMPLEMENTING THE 2011 BLACK HISTORY AND HISPANIC HERITAGE PROGRAMS

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by **COUNCILWOMAN JACKSON**

and seconded by **COUNCILMAN CUTHBERTSON**

WHEREAS, the Huntington Human Services Institute, Inc. and the Town of Huntington mutually desire to enter into an agreement for the purpose of implementing special programs; and

WHEREAS, the execution of this agreement with the Huntington Human Services Institute, Inc., is not an action as per 6 N.Y.C.R.R. Section 617.2 (b) and therefore requires no further SEQRA review.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement, and any other documents in connection therewith, with the Huntington Human Services Institute, Inc. to implement special programs for the period January 1, 2011 through December 31, 2011, for an amount not to exceed the sum of THREE THOUSAND DOLLARS AND NO/100 (\$3,000.00) DOLLARS to be charged to the 2011 Operating Budget Item A7620.4001 and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark L. Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR AND RECEIVE FUNDING FROM THE COUNTY OF SUFFOLK FOR NUTRITION SERVICES FOR SENIOR CITIZENS, NUNC PRO TUNC

Resolution for Town Board Meeting dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN BERLAND**
COUNCILWOMAN JACKSON

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Department of Human Services, Senior Citizen Division, has successfully operated a nutrition program for senior citizens; and

WHEREAS, the Town seeks funding from the County of Suffolk to assist in the provision of such services; and

WHEREAS, applying for and receiving funds for the nutrition program is not an action as defined by 6 N.Y.C.R.R. of 617.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES, the Supervisor to apply for and receive funds from the County of Suffolk for the provision of nutrition services for the period January 1, 2011 through December 31, 2011, for a unit cost for the 2011 program year in the amount of \$4.05 per meal for congregate meals and a unit cost for the 2011 program year in the amount of \$4.29 per meal for the home delivered meals, to be recorded in Operating Budget Account A3776 and to execute any documents in connection therewith upon such other terms and conditions as are acceptable to the Town Attorney, nunc pro tunc.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH ST. HUGH OF LINCOLN R.C. CHURCH FOR THE USE OF FACILITIES FOR THE OPERATION OF A NUTRITION SATELLITE

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by **COUNCILWOMAN BERLAND,**
COUNCILWOMAN JACKSON'

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town of Huntington is committed to providing Huntington Senior Citizens with diversified programs and services enabling them to remain active, involved and as independent as possible; and

WHEREAS, the Town of Huntington provides programs and services for Huntington senior citizens at the Senior Nutrition Center, the Adult Day Care Center, the Satellite and through the Home Delivered Meals Program; and

WHEREAS, the Satellite is located at St. Hugh of Lincoln R.C. Church, 21 East Ninth Street, Huntington Station, New York and is open Monday through Friday from 9A.M. until 2 P.M.; and

WHEREAS the Satellite is a place where lunches are served daily along with various activities and programs that are designed to provide socialization, stimulation, pleasure and nutrition for our senior citizens; and

WHEREAS, approximately 35 senior citizens participate in the Town of Huntington Programs that are offered at the Satellite on a daily basis; and

WHEREAS, in order to continue the operation of the Nutrition Satellite, it is necessary to enter into an agreement for the use of said facility; and

WHEREAS, the execution of this agreement is not an action as defined by 6 N.Y.C.R.R. §617.2(b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement, and any other documents in connection therewith, with St. Hugh of Lincoln R.C. Church for the use of facilities at 21 East Ninth Street, Huntington Station, New York, for the operation of a satellite which serves lunch and offers activities and programs to seniors for the period of January 1, 2011 through December 31, 2011, for an amount not to exceed the sum of TWELVE THOUSAND FOUR HUNDRED FIFTY AND NO/100 (\$12,450.00) DOLLARS to be

2010-574

recorded in 2011 Operating Budget Item A6775-4001 and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXTEND A LICENSE AGREEMENT WITH STARFLOWER EXPERIENCES, INC. FOR EDUCATIONAL USE OF MANOR FARM PARK

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, on March 31, 2000 the Town acquired as its first acquisition under the Environmental Open Space and Park Fund Program a parcel identified as SCTM# 0400-212-01-045.001, known locally as Manor Farm, and

WHEREAS, in response to a subsequent request for proposals, Starflower Experiences, Inc., a qualified non-profit organization having an office at 79 Martin Court, Jericho, New York, 11753, submitted a proposal for educational use of Manor Farm Park that, following thorough review, was recommended to the Town Board by the Environmental Open Space and Park Fund Review (EOSPA) Committee, and

WHEREAS, following a public hearing on May 8, 2001, a license agreement with Starflower Experiences, Inc. for this purpose was authorized by the Town Board (Resolution 2001-328) and executed by the Supervisor, and

WHEREAS, extension of the license agreement with Starflower Experiences, Inc. for this purpose was subsequently authorized by the Town Board (Resolution 2004-736) and executed by the Supervisor, and

WHEREAS, pursuant to the terms and conditions of the present license agreement, Starflower Experiences, Inc., has requested a five-year extension of the agreement beyond its current termination on December 31, 2010; and

WHEREAS, Starflower Experiences, Inc. has fulfilled all terms and conditions of their current license agreement, serving capably as a good steward of this property and a good neighbor with the community; and

WHEREAS, the Town Board desires to extend this license agreement in order to continue this satisfactory stewardship and to encourage the provision of environmental educational programming to the citizens of Huntington, and

Whereas, the extension of the license agreement with Starflower Experiences, Inc. for educational use of Manor Farm Park is a Type II action pursuant to 6 N.Y.C.C.R.R. Section 617.5(c)(20) and therefore no further SEQRA review is required.

NOW THEREFORE BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor to extend its current license agreement with Starflower Experiences, Inc. for educational use of Manor Farm for a term to expire on December 31, 2015, along with execution of any and all documents in connection therewith, on such other terms and conditions as determined by the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AGREEMENTS FOR THE PROVISION OF VARIOUS YOUTH SERVICES ON BEHALF OF THE YOUTH BUREAU FOR THE YEAR 2011

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN BERLAND,**
COUNCILWOMAN JACKSON

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town of Huntington annually enters into contractual relationships with essential not-for-profit service providers in the Town of Huntington that offer assistance to all youth and families such as counseling, runaway and homeless youth services, homework help, recreational programs, employment and career planning, college prep and conflict resolution in the Town of Huntington funded through the Town's Youth Bureau; and

WHEREAS, the Town Board wishes to continue to maintain access to these services for its residents through programs provided by said not-for-profit organizations; and

WHEREAS, under Section 51 of Town Law, the Town Board of a suburban town shall be the appropriating governing body of said town and shall have and exercise all power and duties as are conferred or imposed upon it and one such power and duty is to approve all budgetary amendments; and

WHEREAS, the execution of youth services agreements is not an action as defined 6 NYCRR §617-2(b) and therefore no further SEQR review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor, on behalf of the Town of Huntington Youth Bureau, to execute agreements on such terms and conditions as may be acceptable to the Town Attorney for the provision of services pursuant to the Town's Comprehensive Youth Plan for the year 2011 with the following agencies:

Tri Community and Youth Agency, Inc. (Region I). West Hills Rd., Hunt., Sta., NY 11746	\$518,238.00
Youth Directions and Alternatives, Community and Youth Agency, Inc (Region II) 7 Diane Court, E. Npt., NY 11731	\$377,157.00
Regional Enrichment Agency of Commack and Half Hollow Hills, Community and Youth Agency, Inc. (Region III) 525 Hall Hollow Rd., Dix Hills, NY 11746	\$326,080.00
Family Service League of Suffolk County, Inc. 790 Park Ave., Hunt., NY 11743	\$302,783.00
Long Island Crisis Center, Inc 2740 Martin Ave., Bellmore, NY 11710	\$ 15,594.00

Huntington Youth Bureau Youth Development Research Institute, Inc. (Non Drug related) 423 Park Ave., Hunt., NY 11743	\$842,588.00
Huntington Youth Bureau Youth Development Research Institute, Inc. (Drug related) 423 Park Ave., Hunt., NY 11743	\$823,303.00
C.A.S.T. Program (Tri-Community and Youth Agency, Inc. Region I) 310 West Hills Rd., Hunt. Sta, NY 11746	\$ 53,500.00

BE IT UNDERSTOOD that services provided pursuant to the above agreements shall be financed with funds provided by the Town of Huntington (Operating Budget Items A7320.4001 & A4220.4001), Local Villages, the New York State Office of Children and Family Services, Suffolk County Youth Bureau, Dept. of Health and Human Services, Suffolk Dept. of Health; and

BE IT FURTHER RESOLVED that the Supervisor is authorized to execute amendments to these agreements in order to adjust the amounts approved in this resolution, based on changes in funding provided by County and State sources without additional contributions by the Town of Huntington, subject to such terms and conditions as may be acceptable to the Town Attorney; and

HEREBY AUTHORIZES the Comptroller to amend the Town's Operating Budget as necessary to reflect the changes in funding provided by County and State sources, upon execution of all required documentation, not to exceed the funded amount on the executed amendments.

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS: 0
Supervisor Frank P. Petrone			AYE
Councilwoman Susan A. Berland			AYE
Councilman Mark A. Cuthbertson			AYE
Councilwoman Glenda Jackson			AYE
Councilman Mark Mayoka			AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2010-577

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE HUNTINGTON YMCA FOR USE OF COINDRE HALL GYMNASIUM FOR THE PURPOSE OF CONDUCTING A SPORTS CAMP

Resolution for Town Board Meeting Dated:

December 14, 2010

The following resolution was offered by **COUNCILMAN MAYOKA,**
COUNCILWOMAN BERLAND

and seconded by **SUPERVISOR PETRONE, COUNCILWOMAN JACKSON**

WHEREAS, the Huntington YMCA wishes to use the Coindre Hall gym on Brown's Road in Huntington for the purpose of conducting a sports camp during the renovation of their facility; and

WHEREAS, the use of the Coindre Hall gym will be for a period of three weeks from August 8, 2011 to August 26, 2011, Monday through Friday 9:00 a.m. to 4:00 p.m. for a fee of \$150 per day; and

WHEREAS, the Department of Parks & Recreation has had a long-standing agreement with Suffolk County to rent space in the Coindre Hall gym to various organizations; and

WHEREAS, the execution of an agreement with the YMCA is not an action under SEQRA as defined by 6 N.Y.C.R.R. §617.2 (b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement, and any documents in connection and related therein, with the Huntington YMCA, 60 Park Avenue, Huntington, NY 11743 for use of Coindre Hall Gymnasium for the purpose of conducting a sports camp from August 8, 2011 to August 26, 2011, Monday through Friday 9:00 a.m. to 4:00 p.m. at a fee of \$150 per day, and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilwoman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010-578

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH BRICKS 4 KIDZ TO PROVIDE A HANDS-ON ENRICHMENT PROGRAM FOR CHILDREN TO DESIGN AND CONSTRUCT MACHINES AND BUILDINGS USING LEGO BRICKS

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by **COUNCILWOMAN BERLAND**

and seconded by **COUNCILWOMAN JACKSON**

WHEREAS, the Town wishes to offer its residents a series of workshops utilizing Lego Bricks to build and construct buildings and machines; and

WHEREAS, Bricks 4 Kidz agrees to organize, coordinate and supervise these activities using an integrated curriculum based on math, science, language arts, and social studies; and

WHEREAS, the Town will provide the location, assist with promotion, and keep 15% of the revenue derived from program registration; and

WHEREAS, the execution of an agreement is not an action under SEQRA as defined by 6 N.Y.C.R.R. §617.2 (b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Bricks 4 Kidz, P.O Box 23, Centerport, NY 11721 to conduct Lego workshops for a two year period commencing on June 1, 2011 and terminating on June 1, 2013 with a one (1) year option to renew at the discretion of the Town, and upon such other terms and conditions that may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilwoman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010 - 579

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE CONTRACTS
FOR ADDITIONAL PROFESSIONAL ICE SKATING INSTRUCTORS AT THE DIX
HILLS PARK ICE RINK

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town of Huntington Department of Parks & Recreation offers professional ice skating lessons and instructional programs at the Dix Hills Ice Rink; and

WHEREAS, services by professional ice skating instructors are utilized to provide such lessons and programs; and

WHEREAS, with the opening of the new ice rink additional instructors are necessary to service the needs of the ice skating community; and

WHEREAS, the execution of contracts with Ice Skating Professionals is not an action pursuant to 6 N.Y.C.R.R. §617.2(b) and therefore, no SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute contracts with the following Ice Skating Professionals for the provision of ice skating lessons and instructional programs at the Dix Hills Park Ice Rink for the period January 1, 2011 through December 31, 2011; and

FURTHER AUTHORIZES the Supervisor to execute all necessary documents in connection therewith and upon such other terms and conditions as may be acceptable to the Town Attorney.

Alexis Moed, 1874 Muttontown Road, Muttontown NY 11791

Mary Lynn Gelderman, 10 Alley Pond Court, Dix Hills NY 11746

Matt Thomas, 488 Central Avenue Apt. #2, Brooklyn, NY 11221

2010-579

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT
WITH TRINITY TRANSPORTATION CORPORATION FOR THE
TRANSPORTATION OF YARDWASTE, NUNC PRO TUNC.

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town of Huntington is in need of utilizing the services of a vendor to transport collected residential yardwaste from the Town's seasonal transfer station to the contracted yardwaste disposal site, currently Omni of Babylon, 114 Alder Street, W. Babylon 11704. The site will be operational each year from early November to the end of December; and

WHEREAS, the Town of Huntington operates a seasonal yardwaste transfer station each Fall for approximately eight (8) weeks. The transfer station is located at the northern edge of the Town of Huntington Landfill on Townline Road, East Northport, NY 11731. Each fall, during the heavy yardwaste collection season, contracted residential carters deliver curbside collected bagged leaves and/or branches to the site. This procedure greatly reduces travel and waiting time to and from the contracted yardwaste disposal facility, thereby increasing the time allocated for collecting on their contracted routes; and

WHEREAS, sealed bids were received on November 4, 2010, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the Yardwaste Transportation, Bid No. TOH 10-11R-087, and the same were opened publicly and read aloud; and

WHEREAS, Trinity Transportation Corporation, 214 Blydenburgh Road, Islandia, New York 11749 is the low bidder; and

WHEREAS, the execution of this contract for the transportation of yardwaste is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(20), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Trinity Transportation Corporation for the yardwaste transportation. The contract period shall be effective for two (2) year term commencing November 27, 2010 and terminating December 31, 2011, the contract may be extended for two (2) additional one (1) year periods under the same prices, terms and conditions, to be charged to SR8158.4990, and upon such other terms and conditions as may be acceptable to the Town Attorney, nunc pro tunc.

Yardwaste Transportation
PURCH/LF/
12/7/2010, 2:18 PM

2010- 580

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010-581

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH LOOKS GREAT SERVICES, INC. FOR THE TOWNWIDE REQUIREMENTS CONTRACT FOR TREE REMOVAL – ZONE 1.

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **SUPERVISOR PETRONE**

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the Town requires a contractor to remove trees that are dead, nearly dead, diseased and/or potentially dangerous to the public. This is an annual requirements contract which enables the Town to hire a professional contractor to remove trees located within the Town right-of-way that are identified by the Urban Forester for removal based on the health or condition of the trees; and

WHEREAS, sealed bids were received on November 16, 2010 by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the Townwide requirements contract for tree removal – zone 1, contract no. HWY 2010-06/O-E and the same were opened publicly and read aloud; and

WHEREAS, Looks Great Services Inc., 7 Lawrence Hill Road, Huntington, New York 11743 is the low bidder; and

WHEREAS, Townwide Requirements Contract for Tree Removal – Zone 1 is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(6) and (c)(14), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Looks Great Services, Inc. for the Townwide requirements contract for tree removal – zone 1. The contract period shall be effective upon execution of the contract until December 31, 2011 for the sum of FIFTY NINE THOUSAND SIX HUNDRED THIRTY FIVE DOLLARS AND NO/100 CENTS (\$59,635.00) to be charged to Operating Budget Item No. DB-5140-2784, and upon such terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010-582

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH CONSERVATION CONTROL CORP. FOR THE TOWNWIDE REQUIREMENTS CONTRACT FOR TREE REMOVAL – ZONE 2.

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **SUPERVISOR PETRONE**

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the Town requires a contractor to remove trees that are dead, nearly dead, diseased and/or potentially dangerous to the public. This is an annual requirements contract which enables the Town to hire a professional contractor to remove trees located within the Town right-of-way that are identified by the Urban Forester for removal based on the health or condition of the trees; and

WHEREAS, sealed bids were received on November 23, 2010 by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the Townwide requirements contract for tree removal – zone 2, contract no. HWY 2010-07/O-E and the same were opened publicly and read aloud; and

WHEREAS, Conservation Control Corp., 282 Broadway, Huntington Station, New York 11746 is the responsible low bidder; and

WHEREAS, Townwide Requirements Contract for Tree Removal – Zone 2 is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(6) and (c)(14), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Conservation Control Corp. for the Townwide requirements contract for tree removal – zone 2. The contract period shall be effective upon execution of the contract until December 31, 2011 for the sum of SIXTY SIX THOUSAND FOUR HUNDRED SIXTY DOLLARS AND 00/100 CENTS (\$66,460.00) to be charged to Operating Budget Item No. DB-5140-2784, and upon such terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION
TO THE CONTRACT WITH TELECOM COMMUNICATIONS, INC., FOR
COMMUNICATION EQUIPMENT REPAIR.

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN JACKSON**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Department of Public Safety, Environmental Waste Management, General Services, and the Highway Department utilize communication equipment in order to expedite prompt responses to various townwide service requests, and such equipment needs to be maintained and kept in good working order. This contract provides for the repair and installation of two-way communication equipment for all Town of Huntington mobile, hand-held or base station radios, repeaters and antennas; and

WHEREAS, Town Board Resolution 2009-543 authorized the execution of a contract with Telecom Communications, Inc. for communication equipment repair, Bid No. 09-09R-071; and

WHEREAS, said contract provides for a one (1) year extension with no increase in the bid price or change in the terms and conditions; and

WHEREAS, based on a review of current market conditions, it is in the best interest of the Town to exercise this extension; and

WHEREAS, Telecom Communications, Inc., 234 Newtown Road, Plainview, New York 11803 has requested the first one (1) year extension; and

WHEREAS, the authorization to extend a contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the contract, and any documents in connection and related therewith, with Telecom Communications Inc. for communication equipment repair. The extension period shall be effective for one (1) year commencing on January 1, 2011 to be charged to the Operating budgets of various departments of the Town, and upon such other terms and conditions as may be acceptable to the Town Attorney.

2010-583

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH 192 BRANCH INTERIOR SERVICES, INC. FOR ASBESTOS AND LEAD-BASED PAINT ABATEMENT AT 1000 NEW YORK AVE, HUNTINGTON STATION, NEW YORK, NUNC PRO TUNC

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **SUPERVISOR PETRONE**

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, as part of its ongoing initiatives to revitalize Huntington Station, on October 15, 2010 the Town of Huntington took title to 1000 New York Avenue, Huntington Station, New York 11746 to demolish the blighted building at this site and attract a developer to construct a new building; and

WHEREAS, per New York State and Federal environmental law an asbestos and lead based paint survey must be conducted prior to demolition; and

WHEREAS, in an effort to expedite demolition, upon taking title to 1000 New York Avenue the Town engaged Environscience Consultants of Ronkonkoma to conduct an asbestos and lead paint sampling of the structure; and

WHEREAS, on November 9, 2010 the Town was presented with a report containing the results of the sampling that revealed the presence of both asbestos and lead based paint inside and outside of the building; and

WHEREAS, the Town of Huntington now requires the services of an asbestos abatement contractor fully licensed by the State of New York Department of Health to perform asbestos abatement and disposal at 1000 New York Avenue, Huntington Station, NY 11746; and

WHEREAS, the Town of Huntington is in receipt of a grant in the amount of \$1,170,000 from New York State's Empire State Development Corporation to revitalize the blighted property, \$100,000 of which has been budgeted to cover the cost of environmental remediation and demolition; and

WHEREAS, sealed bids were received on December 9, 2010, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the asbestos abatement of 1000 New York Ave, Huntington Station, New York, Bid No. TOH 10-12-097, and the same were opened publicly and read aloud; and

WHEREAS, 192 Branch Interior Services, Inc., 119 Gary Way, Ronkonkoma, New York 11779 is the lowest responsive bidder; and

WHEREAS, removal of the existing structure and site improvements was considered with review of the proposed acquisition pursuant to Eminent Domain Procedure Law of 1000 New York Avenue and a Negative Declaration was issued on August 3, 2010 and; thus, no further review is required pursuant to SEQRA.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with 192 Branch Interior Services, Inc. for the asbestos abatement of 1000 New York Avenue, Huntington Station, New York 11746. The contract period shall be effective for ninety (90) days commencing upon execution of the contract for an amount not to exceed the sum of SIXTY FOUR THOUSAND AND NO/100 (\$64,000.00) DOLLARS to be charged to GS1997-2103-GT029 and upon such other terms and conditions as may be acceptable to the Town Attorney, nunc pro tunc.

VOTE: AYES: 4 NOES: 1 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	NO

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010-586

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION
TO THE FRANCHISE AGREEMENT WITH UNITED SOCCER ACADEMY, INC.
FOR THE YOUTH SPORTS PROGRAMS AT VARIOUS TOWN PARKS.

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town of Huntington is desirous of utilizing the instructional services of a qualified, trained vendor to organize, coordinate and supervise year round instructional soccer and multiple sports programs for youths at various parks throughout the Town; and

WHEREAS, Town Board Resolution 2009-201 granted a franchise agreement with United Soccer Academy, Inc. 12 Maiden Lane, Suite 1, Bound Brook, New Jersey 08805 to conduct Youth Sports Programs, RFP 2008-14 at various Town Parks; and

WHEREAS, said contract provides for two (2) one (1) year extensions at the same terms and conditions; and

WHEREAS, United Soccer Academy, Inc. has requested the first one (1) year extension at the same terms and conditions as the original Request for Proposal; and

WHEREAS, the authorization to extend a franchise agreement is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the franchise agreement, and any documents in connection and related therewith, with United Soccer Academy, Inc. to conduct youth sports programs at various Town Parks and will pay the Town (20%) Twenty Percent of the gross revenue received, to be deposited into Revenue Code A2001 for the term commencing January 1, 2011 and terminating December 31, 2011, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE FRANCHISE AGREEMENT WITH MAD SCIENCE OF LONG ISLAND FOR SCIENCE CAMPS AND PROGRAMS FOR THE TOWN OF HUNTINGTON DEPARTMENT OF PARKS AND RECREATION.

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN BERLAND,**
COUNCILWOMAN JACKSON

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town of Huntington is desirous of utilizing the instructional services of a qualified, trained vendor to organize, coordinate and supervise various science programs at various facilities throughout the Town; and

WHEREAS, Town Board Resolution 2009-154 granted a franchise agreement with Mad Science of Long Island, P.O. Box 401, Woodmere, New York 11598-0401 to conduct science camps and programs at various sites, RFP 2008-13; and

WHEREAS, said contract provides for two (2) one (1) year extensions at the same terms and conditions; and

WHEREAS, Mad Science of Long Island has requested the first one (1) year extension at the same terms and conditions of the original Request for Proposal, with an increase in the program fees to an annual negotiated amount of (3%) three percent; and

WHEREAS, the authorization to extend a franchise agreement is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the franchise agreement, and any documents in connection and related therewith, with Mad Science of Long Island to conduct instructional science camps and programs at various sites in the Town. Mad Science of Long Island will pay the Town (20%) twenty percent of the gross revenue received, to be deposited into Revenue Code A2006 for the term commencing January 1, 2011 and terminating December 31, 2011, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH PETER SCALAMANDRE & SONS, INC. FOR THE HUNTINGTON SEWER DISTRICT REPLACEMENT OF THE HILL PLACE SEWER.

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the New York State Department of Transportation (NYSDOT) has a pending bid for drainage improvements to New York Avenue that include the removal of an existing culvert at Hill Place; and

WHEREAS, the Hill Place culvert is adjacent to the Town of Huntington Sewer District 24-inch diameter sewer main which will need to be relocated in advance of the culvert demolition; and

WHEREAS, the NYSDOT has requested that the Huntington Sewer District relocate the 24-inch diameter sewer main in advance of culvert demolition; and

WHEREAS, per Town Board Resolution 2005-602 the Town has applied for and received a New York State Department of Environmental Conservation Environmental Protection Fund Grant (Contract No. C302806) in the amount of \$660,000.00 for Improvements to Hill Place Sewer which will fully fund and satisfy the NYSDOT's request for culvert removal; and

WHEREAS, sealed bids were received on August 19, 2010, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the Huntington Sewer District Replacement of the Hill Place Sewer, Contract No. HNSD 08-01 and the same were opened publicly and read aloud; and

WHEREAS, Peter Scalamandre & Sons, Inc., 157 Albany Ave., Freeport, New York 11520 is the lowest responsive and responsible bidder; and

WHEREAS, pursuant to Town Board Resolution 2005-602, Huntington Sewer District replacement of the Hill Place sewer has already been classified as a Type II action and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the execution of a contract, and any documents in connection therewith, with Peter Scalamandre & Sons, Inc. for the Huntington Sewer District Replacement of the Hill Place Sewer. The contract period shall commence upon execution of the contract, for an amount not to exceed the sum of FOUR HUNDRED TWENTY SEVEN THOUSAND NO/100 (\$427,000.00) DOLLARS and authorizes the Director of Environmental Waste Management to execute change orders up to 5% of the proposed amount, to be charged to H97 WM 8197 2780 GT008, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 4 NOES: 0 ABSTENTIONS: 1

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	ABSTAIN

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH CUTTING EDGE VIDEO PRODUCTIONS FOR THE DESIGN, SCRIPTING, FILMING, AND PRODUCTION OF A PUBLIC OUTREACH VIDEO REGARDING STORMWATER POLLUTION ISSUES

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN JACKSON**

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Huntington Town Board seeks the design, scripting, filming, and production of a public outreach video program regarding stormwater pollution issues; and

WHEREAS, as authorized by Town Board Resolution 2008-46, the Town of Huntington is in receipt of a grant from the National Fish and Wildlife Foundation (NFWF) specifically for the purpose of designing, scripting, filming, and producing said public outreach video program; and

WHEREAS, the grant as received from National Fish and Wildlife Foundation (NFWF) specifies a cost sharing proportional breakdown of 60% of the total estimated cost of born by NFWF and 40% born by the Town of Huntington; and

WHEREAS, the final public outreach video program must be suitable for broadcast on local public access television channels as stated in the NFWF grant specifications, and

WHEREAS, proposals were solicited by the Town of Huntington Director of Maritime for the design, scripting, filming and production of a public outreach video program regarding stormwater pollution issues and responses were evaluated and;

WHEREAS, Cutting Edge Video Productions, 28 Colgate Lane, Woodbury, New York 11797 provided a proposal that met the qualifications and was cost effective; and

WHEREAS, Cutting Edge Video Productions proposal price of \$6,050.00 will be funded by the NFWF in the amount of \$3,642.10 and the Town will fund \$2,407.90 of the cost; and

WHEREAS, the design, scripting, filming, and production of said public outreach video program is not an action under SEQRA or defined by 6 N.Y.C.R.R. §617.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE

Date: 09/08/2010

Subject: Public Outreach Stormwater Video Production

Department of Maritime Services

HVA/rl

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement and any documents in connection and related therewith for the design, scripting, filming, and production of a public outreach video program specific to stormwater pollution issues and suitable for broadcast on local public access television channels with Cutting Edge Video Productions with offices at 28 Colgate Lane, Woodbury, NY, 11797 in the total amount of SIX THOUSAND FIFTY DOLLARS AND NO/100 (\$6,050.00) DOLLARS and upon such other terms and conditions as may be acceptable to the Town Attorney to be charged to Operating Budget Item A8790-4550; and

HEREBY AUTHORIZES the Comptroller to amend the 2010 Operating Budget as follows to reflect the grant award:

Adjust the following revenue:

A4989-4989	Federal Aid-Fish/Wildlife	\$3,642.10
------------	---------------------------	------------

Increase the following appropriation:

A8790-4550	Outside Professionals	\$3,642.10
------------	-----------------------	------------

VOTE: AYES: 4 NOES: 1 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	NO

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010- 590

RESOLUTION AUTHORIZING AMENDMENT OF THE CONTRACT WITH WIRE TO WATER, INC. FOR UPGRADES TO THE SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM FOR THE DIX HILLS WATER DISTRICT

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by **COUNCILWOMAN BERLAND**

and seconded by **COUNCILWOMAN JACKSON**

WHEREAS, Town Board Resolution 2009-513 authorized a contract with Wire to Water, Inc. to upgrade to current standards the District's SCADA installations; and

WHEREAS, Dix Hills Water District subsequently upgraded telecommunications to high speed internet access and now requires the installation of Virtual Private Network (VPN) appliances at each plant for secure SCADA data transmission; and,

WHEREAS, the original bid specifications developed for the subject contract did not include upgrade details sufficient for the ground storage tank with booster station at Plant No. 6, because this new facility was then under construction; and

WHEREAS, H2M Group, the District's Engineering Consultant, has submitted a recommendation to approve the proposal by Wire to Water, Inc. for additional hardware and software needed secure SCADA system data transfer and to integrate the expanded facility at Plant No. 6; and;

WHEREAS, pursuant to SEQRA, 6 NYCRR, Part 617.5 (c)(20), continuing agency administration and management is a Type II action and, therefore, no further review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES amendment of the contract with Wire to Water, Inc., 136 Gazza Blvd., Farmingdale, New York 11735, to provide additional SCADA system upgrade services for the Dix Hills Water District for an amount not to exceed the sum of TWENTY TWO THOUSAND FOUR HUNDRED SIXTY-ONE AND 88/100 (\$22,461.88) DOLLARS to be charged to Capital Budget Item EG8397-2778-05321, and upon such other terms and conditions acceptable to the Town Attorney.

2010-590

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH H2M GROUP FOR ENGINEERING SERVICES TO EVALUATE VARIOUS CONDITIONS OF CAUSTIC AND DIESEL FUEL STORAGE TANKS FOR THE DIX HILLS WATER DISTRICT

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by **COUNCILWOMAN JACKSON, SUPERVISOR PETRONE**

WHEREAS, the Dix Hills Water District has received violations from Suffolk County Department of Health Services (SCDHS) for non-compliant caustic and diesel fuel storage tanks; and

WHEREAS, New York State Department of Environmental Conservation (NYSDEC) is expected to begin within the coming year inspections of aboveground Chemical Bulk Storage (CBS) facilities; and

WHEREAS, H2M Group, the District's Engineering Consultant, has submitted a proposal to provide engineering services in order to ensure the District is in compliance with both SCDHS and NYSDEC requirements, and

WHEREAS, the Department of Engineering Services concurs with and recommends acceptance of said proposal; and

WHEREAS, pursuant to SEQRA, 6NYCRR, 617.5 (c)(20), agency administration and management is a Type II action and, therefore, no further review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES execution of an agreement with H2M GROUP, 575 Broad Hollow Road, Melville, New York 11747, for engineering services to evaluate conditions of caustic and diesel fuel tanks for the Dix Hills Water District for an amount not to exceed the sum of SIXTEEN THOUSAND AND NO/100 (\$16,000.00) DOLLARS, to be charged to Capital Budget Item No. EG8397-2103-FB303, and upon such terms and conditions as approved by the Dix Hills Water District Attorney.

2010-591

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE COMPTROLLER TO ELIMINATE ALL FULL-TIME POSITIONS VACATED BY RETIREMENT AND/OR ATTRITION AND TRANSFER SURPLUS MONIES CREATED BY SUCH VACANCIES TO A GENERAL CONTINGENCY ACCOUNT INTO THEIR RESPECTIVE OPERATING FUNDS FOR THE YEAR 2011

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town Board is desirous of reducing its payroll costs and pursuant to Town Board Resolution 2010-1, has already expressed its intent to freeze all full-time and part-time positions in 2010 as they are vacated in order to control expenditures; and

WHEREAS, the Town Board has consistently ensured that previously enacted retirement incentives are effective by placing all full-time positions that are vacated in a General Contingency Account, to be reinstated only upon resolution of the Town Board; and

WHEREAS, by Resolution 2010-542 the Town Board adopted the Annual Operating Budget for the fiscal year commencing January 1, 2011 with the intention that all budgeted salaries for full-time positions remaining vacant as of January 1, 2011 shall be transferred to a contingency account; and

WHEREAS, the Town Board has expressed its intention that any position that is to be filled in 2011 must first be evaluated and deemed to be necessary for the continuation of essential Town services and for the safety and welfare of the community; and

WHEREAS, the elimination of full-time positions, including applicable funding, vacated by retirements and attrition to a general contingency account is not an action as defined by 6 N.Y.C.R.R. §617.5 (c)(20) and therefore no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to eliminate all full-time positions vacated by retirement and/or attrition and transfer surplus monies created by such vacancies to a General Contingency Account into their respective operating funds for the year 2011, and directs that said positions shall not be reinstated except by further resolution of the Town Board; and

BE IT FURTHER RESOLVED, that this Resolution shall be effective on January 1, 2011.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2010
OPERATING BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL
DISTRICTS -- VARIOUS DEPARTMENTS

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **SUPERVISOR PETRONE**

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, pursuant to Town Board Resolution 2008-569 each position listed below has been evaluated and deemed to be necessary for the continuation of essential Town services and for the safety and welfare of the community; and

WHEREAS, under Section 51 of Town Law, the Town Board of a suburban town shall be the appropriating governing body of said town and shall have and exercise all power and duties as are conferred or imposed upon it and one such power and duty is to approve all budgetary amendments; and

WHEREAS, amending the 2010 Budget is not an action pursuant to SEQRA as defined by 6 N.Y.C.R.R. §617.5 (c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to make the following budgetary amendments to the 2010 Operating Budget as follows:

Create the following positions:

A-3621-1100	Ordinance Inspector	\$ 2,260
SR-8158-1100	Sr. Clerk Typist	1,563

Reinstate the following positions:

A-1220-1100	Deputy Town Supervisor*	\$ 1,676
A-3010-1100	Guard II	1,870
A-5630-1100	Bus Driver	1,242
B-4020-1100	Account Clerk typist	1,463

*Effective 12/29/10

Abolish the following positions:

A-1440-1100	Assistant Civil Engineer	(\$ 32,826)
A-1625-1100	Auto Mechanic III	(22,585)
A-1355-1100	Clerk Typist	(34,386)
A-3621-1100	Zoning Inspector	(2,260)
A-6772-1100	Clerk Typist	(4,084)
A-8170-1100	Clerk Typist	(17,193)

2010-593

A-8793-1100	Environmental Analyst	(24,891)
A-1621-1100	HEO II	(69,232)
A-1345-1100	Purchasing Technician	(11,834)
A-1411-1100	Record Management Assistant	(20,624)
A-8170-1100	Recycling Coordinator Aide	(40,275)
A-7020-1100	Senior Cashier	(26,509)
A-1660-1100	Switchboard Operator/Receptionist	(35,225)
A-Fund		(\$ 341,924)

B-8020-1100	Planner	(\$ 42,180)
B-1620-1100	Building Permit Examiner	(9,996)
B-3310-1100	Traffic Engineer I	(32,827)
B-Fund		(\$ 85,003)

DB-5110-1100	Auto Equipment Operator	(\$ 33,770)
DB-5110-1100	Auto Equipment Operator	(24,275)
DB-5110-1100	Dispatcher	(12,246)
DB-5110-1100	HEO II	(66,593)
DB-5110-1100	HEO II	(69,232)
DB-5110-1100	HEO II	(69,232)
DB-5110-1100	Labor Crew Leader II	(77,415)
DB-5110-1100	Laborer	(58,332)
DB-5110-1100	Maintenance Mechanic IIID	(71,870)
DB-5110-1100	Tree Trimmer I	(71,870)
DB-Fund		(\$ 554,835)

SR-8158-1100	Senior Account Clerk	(\$ 2,512)
SR-8158-1100	Laborer (Refuse)	(49,753)
SR-8158-1100	Laborer (Refuse)	(47,202)
SR-Fund		(\$ 99,467)

SS1-8131-1100	Maintenance Mechanic II (12)	(\$ 42,440)
SS1-8131-1100	Laborer (Sewer)	(34,615)
SS1-Fund		(\$ 77,055)

Adjust the following Appropriations:

A-1990-1100	Contingency	\$ 334,876
B-1990-1100	Contingency	83,540
DB-1990-1100	Contingency	554,835
SR-1990-1100	Contingency	97,904
SS1-1990-1100	Contingency	77,055

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010- 594

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2010 CAPITAL BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS FOR CERTAIN REPAIRS AT THE JOHN J. FLANAGAN SENIOR CENTER- DEPARTMENT OF GENERAL SERVICES

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN BERLAND,**
COUNCILWOMAN JACKSON

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, repairing the two existing induced draft fans for boiler #1 and #2 at the John Flanagan Senior Center is needed due to the age of the boilers; and

WHEREAS, the Community Development Agency has Housing and Urban Development funds (HUD) available for the cost of these repairs in the amount not too exceed \$5,065.00; and

WHEREAS, amending the 2010 Capital Budget is not an action pursuant to SEQRA as defined by 6 N.Y.C.R.R. §617.5 (c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to make the following budgetary amendments to the 2010 Capital Budget for repairs to the induced draft fans on the boilers at the John Flanagan Senior Center, to be funded by the Community Development Agency.

Increase the following revenue:

H2797	Other Local Government	(\$5,065.00)
-------	------------------------	--------------

Increase the following appropriations:

GS1997-2102-CDA01	Building Improvements	\$5,065.00
-------------------	-----------------------	------------

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2010 - 595

RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO LEVY ON THE SUBSTITUTION BOND OF GEORGE ABBALE, AS APPLICANT, FOR THE REQUIRED IMPROVEMENTS FOR THE SUBDIVISION KNOWN AS NORMA LEE ESTATES.

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by **COUNCILMAN CUTHBERTSON**

And seconded by **SUPERVISOR PETRONE**

WHEREAS, the applicant, George J. Abbale, has failed to complete bonded improvements at the subdivision, Norma Lee Estates, in a timely manner; and

WHEREAS, Substitution bond Number 1622 for \$175,000.00 in the form of a \$175,000.00 Irrevocable Letter of Credit established by George J. Abbale, as Applicant, for the project known as Norma Lee Estates, in favor of the Town of Huntington; and

WHEREAS, the bonded improvements remain incomplete at this time and it requested that the Huntington Town Board declare the substitution bond in default; and

WHEREAS, authorizing the Town Attorney to levy on a bond is a Type II action pursuant to 6 NYCRR §617.5 (c) 19 and therefore no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD

HEREBY DIRECTS, the Town Attorney to levy on the Substitution Bond Number 1622 of Norma Lee Estates, established by applicant, George J. Abbale, and seize the full amount of \$175,000.00 for the purpose of completing the installation of improvements; and

HEREBY DIRECTS, that upon seizure of the funds the Town Board directs the Director of Engineering Services to take action as required to provide for proper installation of the aforementioned improvements; and

HEREBY AUTHORIZES the Town Attorney to take all appropriate legal and equitable action including but not limited to, commencing any lawsuit that may be required against the principal, surety or any bond company in the event the applicant either fails to fulfill the conditions of the Planning Board approval or fails to petition the Planning Board for extension of the terms and pays the requisite fee to extend the term; and

HEREBY RESOLVES, that if prior to action by the Town Attorney to seize the funds, the applicant either fulfills the conditions of the Planning Board approval or

2010 - 595

petitions the Planning Board for an extension of the term and pays the requisite fee, or otherwise resolves the requirements, upon the Planning Board's grant to extend the term, action to levy on the bond shall cease.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone AYE

Councilwoman Susan A. Berland AYE

Councilman Mark A. Cuthbertson AYE

Councilwoman Glenda A. Jackson AYE

Councilman Mark Mayoka AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010-596

RESOLUTION AUTHORIZING SETTLEMENT OF A CLAIM
(Harleysville Insurance Co. a/s/o A.L. Jacobson Funeral Home v Town of Huntington)

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, on November 23, 2010 a Notice of Claim was filed against the Town of Huntington on behalf of A.L. Jacobson Funeral Home seeking to recover damages sustained in an accident; and

WHEREAS, the Town Attorney has determined it to be in the Town's best interest to settle this matter for a total of SIX THOUSAND FOUR HUNDRED NINETY and 98/100 (\$6,490.98) DOLLARS for strategic purposes with no admission of liability on the part of the Town; and

WHEREAS, the claimant has agreed to accept SIX THOUSAND FOUR HUNDRED NINETY and 98/100 (\$6,490.98) DOLLARS in full settlement of their claim; and

WHEREAS, all parties have agreed to this settlement subject to the approval of the Town Board; and

WHEREAS, the settlement of this personal injury lawsuit is not an "action" as defined by 6 NYCRR §617.2(b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE, BE IT

RESOLVED, that the Comptroller is hereby authorized to issue checks in settlement of this matter, not to exceed a total of SIX THOUSAND FOUR HUNDRED NINETY and 98/100 (\$6,490.98) DOLLARS pending receipt of closing papers therein, applied against Operating Budget Item No. A1930.4160 and authorizes the Town Attorney to execute all documents required to effectuate this settlement.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010 - 597

RESOLUTION AUTHORIZING THE PERSONNEL OFFICE TO ADMINISTER A PROGRAM PURSUANT TO GENERAL MUNICIPAL LAW § 92-(a) 7 WHICH WILL ALLOW TOWN OF HUNTINGTON VOLUNTEER EMERGENCY RESPONDERS TO PURCHASE MEDICAL INSURANCE THROUGH THE TOWN'S EXISTING GROUP INSURANCE PLAN

Resolution for Town Board Meeting dated: December 14, 2010

The following resolution was offered by: Councilwoman Berland

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, pursuant to New York State General Municipal Law § 92-a(7) municipalities are permitted to offer volunteer firefighters and ambulance responders the ability to purchase medical insurance through the municipality's health insurance provider at the same cost that is paid by the municipality for its employees; and

WHEREAS, the Town of Huntington recognizes the vital services provided by its volunteer fire departments and ambulance; and

WHEREAS, the Town of Huntington has no obligation to continue with any particular health care provider/insurer; and

WHEREAS, representatives of the Fire and Ambulance volunteers have communicated to the Town their request for the opportunity for their active members to purchase medical insurance through the Town's medical benefit plan provider at no additional cost to the Town; and

WHEREAS, the Town of Huntington is desirous of offering the volunteer fire and ambulance companies which are located in the Town of Huntington an opportunity for their members who are residents of the Town of Huntington to purchase medical insurance through the Town's medical benefit plan at the cost and expense of such individual fire or ambulance companies who elect to participate in this program; and

WHEREAS, extending an opportunity for volunteer fire departments and ambulance companies to purchase medical insurance through the Town's insurance provider is not an action pursuant to 6 N.Y.C.R.R. §617.2(b) and, therefore, no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD

HEREBY APPROVES the establishment of a program to allow Huntington's active volunteer firefighters and ambulance responders who are members of fire and ambulance companies with the Town of Huntington and who are residents of the Town of

Huntington to purchase medical insurance through the Town's medical insurance plan provider at no cost or expense to the Town; and

HEREBY DESIGNATES, the Town of Huntington's Personnel Department to administer a program to allow active volunteer emergency responders to purchase insurance through the Town's present insurance provider or future insurance provider; and

HEREBY DIRECTS, the Town Attorney and the Personnel Department to develop the procedures, parameters and reporting requirements as a condition for any volunteer member of fire department and ambulance company located in the Town of Huntington and who is a resident of the Town of Huntington to qualify to participate in the medical insurance plan of the Town of Huntington and to set administrative procedures and costs for collection of premiums and delinquency thereof.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT
WITH LAURE C. NOLAN, ESQ, TO PROVIDE CONSULTING SERVICES TO THE
TOWN OF HUNTINGTON AND TO THE TOWN SUPERVISOR'S OFFICE

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: Supervisor Petrone
COUNCILMAN CUTHBERTSON

And Seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the Town Board believes that a professional consulting contract would be beneficial to allow for the smooth transition of management services and to provide additional services to the Town Supervisor's Office; and

WHEREAS, such services shall ensure that the Town shall have continuity, as well as advise and counsel on certain significant issues facing the Town of Huntington; and

WHEREAS, the subject of this resolution is not an action as defined by 6 NYCRR 617.2(b) and therefore no further SEQRA review is required;

NOW THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract with Laure C. Nolan, Esq., 10 Laurel Avenue, Northport, New York 11768 to provide consulting services to the Town and to the Office of the Supervisor, including but not limited to the renegotiation of the Service Agreement and Lease Agreement with Covanta, Huntington, the LIPA Tax Certiorari proceeding, and other matters as assigned by the Town Supervisor, for a period of one (1) year commencing on January 1, 2011 and terminating on December 31, 2011, for an amount not to exceed THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00) to be charged to Operating Budget Item A1220-4550 and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 4 NOES: 0 ABSTENTIONS: 1

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	ABSTAIN

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT AND RELEASE IN THE MATTER OF CERTAIN LAWSUITS RELATED TO METHYL TERTIARY BUTYL ETHER ("MTBE") ON BEHALF OF THE TOWN OF HUNTINGTON AND THE DIX HILLS WATER DISTRICT

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, pursuant to Town Board Resolution 2006-773, Napoli Bern Ripka was retained to commence a lawsuit on behalf of the Town and the Dix Hills Water District seeking monetary damages as a result of the contaminant methyl tertiary butyl ether ("MTBE"); and

WHEREAS, pursuant to Town Board Resolution 2009-557, lawsuits were settled as against four defendants without prejudice to the remaining defendants; and

WHEREAS, pursuant to Town Board Resolutions 2010-262 and 2101-310, lawsuits were settled as against twenty-eight defendants without prejudice to the remaining defendants; and;

WHEREAS, pursuant to Town Board Resolution 2010-454, lawsuits were settled as against five defendants without prejudice to the remaining defendants; and;

WHEREAS, two additional defendants have offered money in partial settlement of this matter and said settlement has been recommended by counsel; and

WHEREAS, the settlement of this lawsuit is not an "action" as defined by 6 NYCRR §617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE, BE IT

RESOLVED, that the matter of certain lawsuits related to methyl tertiary butyl ether ("MTBE") is hereby settled as against Irving Oil Limited and Highlands Fuel Delivery LLC (f/k/a/ Irving Oil Corporation) and Irving Oil Terminals, Inc., as defined in the settlement releases, without prejudice as to the remaining defendants, for the net sum of TEN THOUSAND EIGHTEEN AND 50/100 (\$10,018.50) DOLLARS to be recorded in Operating Budget Item SW12690 and further authorizes the Supervisor to execute all documents required to effectuate this settlement on such other terms and conditions as may be acceptable to the Town Attorney.

2010-599

VOTE: AYES: 3 NOES: 1 ABSTENTIONS: 1

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	ABSTAIN
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	NO

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010- 600

RESOLUTION AUTHORIZING THE CORRECTION OF CODE VIOLATIONS AT
VARIOUS LOCATIONS PURSUANT TO THE CODE OF THE TOWN OF
HUNTINGTON AND/OR THE UNIFORM CODES OF THE STATE OF NEW YORK

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN BERLAND**

And seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, violations of the Code of the Town of Huntington and/or the Uniform Codes of the State of New York exist at the locations set forth in Schedule "A", attached hereto and made part of this Resolution, which constitute an attractive nuisance, negatively affect the aesthetic appearance of our neighborhoods, and jeopardize the health and safety of residents in close proximity to these properties; and

WHEREAS, the owner(s) of properties listed in Schedule "A" have failed and/or refused to bring their properties into compliance after a Notice of Violation has been issued by the Department of Public Safety; and

WHEREAS, the correction of code violations by the Town of Huntington is a Type II action pursuant to 6 N.Y.C.R.R. 617.5 c. (33) and, therefore, no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY DIRECTS the Town Attorney to provide each property owner listed in Schedule "A" with a copy of this Resolution, and notice that such violation must be rectified to the satisfaction of the Town within ten (10) days of mailing of the Notice, and upon the failure to remedy the same on a timely basis, the Town shall take all steps necessary to rectify the hazard or nuisance at the property owner's expense; and

HEREBY AUTHORIZES, the Director of the Department of General Services and other Town departments having jurisdiction, to take all actions necessary to correct the violations on these properties upon the failure of the owners to do so, and charge all costs incurred by the Town against the owners of the properties in the same manner and at the same time as real property taxes in accordance with the applicable provisions of the Code of the Town of Huntington or other applicable law.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010-600

Schedule A

Chapter 119, Section 5 of the Code of the Town of Huntington
Authorizing the Removal of Graffiti

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
1570 New York Ave. Huntington Sta., NY 11746	0400-146.00-01.00-025.000	Annmar Holding LLC	11/08/2010	*PFJ Realty Corp. 1570 New York Ave. Huntington Sta., NY 11746

Chapter 124, Section 8D of the Code of the Town of Huntington
Authorizing the Removal of Overhanging Objects

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
285 Broadway Huntington, NY 11743	0400-160.00-01.00-085.000	Kamila Dottin	10/15/2010	N/A

Chapter 124, Section 8F of the Code of the Town of Huntington
Authorizing the Removal of Rubbish and Garbage

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
285 Broadway Huntington, NY 11743	0400-160.00-01.00-085.000	Kamila Dottin	10/15/2010	N/A

2010-600

Schedule A

Chapter 133, Section 2 of the Code of the Town of Huntington
Authorizing the Removal of Litter and Debris

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
1 Harding Pl. Huntington Sta., NY 11746	0400-199.00-03.00-069.000	John Overbeck Cynthia Overbeck	09/23/2010	N/A
285 Broadway Huntington, NY 11743	0400-160.00-01.00-085.000	Kamila Dottin	10/15/2010	N/A

Chapter 156, Section 46 of the Code of the Town of Huntington
Authorizing the Removal of Overgrown Weeds and Grass

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
1 Harding Pl. Huntington Sta., NY 11746	0400-199.00-03.00-069.000	John Overbeck Cynthia Overbeck	09/23/2010	N/A

Chapter 191, Section 4 of the Code of the Town of Huntington
Authorizing the Securing of Unsafe Structure(s)

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
1 Harding Pl. Huntington Sta., NY 11746	0400-199.00-03.00-069.000	John Overbeck Cynthia Overbeck	10/29/2010	N/A
9 Maryanne Ct. Huntington, NY 11743	040-077.00-02.00-036.007	Walter J. Hergenhan Jo Ann Hergenhan	10/19/2010	N/A

2010-600

Schedule A

Chapter 301, Section 3 of the Code of the State of New York
Authorizing the Securing of a Vacant Dwelling

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
2 Holdsworth Dr. Huntington, NY 11743	0400-093.00-02.00-115.001	Abdul Omar Noorullah Zadran	11/ 29/2010	9 Skyline Dr. N. Windham, CT 06256

Chapter 302, Section 1 of the Code of the State of New York
Authorizing the Maintenance of Clean, Safe and Sanitary Conditions

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
24 Lorraine Ct. Northport, NY 11768	0400-055.00-01.00-048.003	Mohammed Sabur	11/18/2010	28 Alsace Pl. Northport, NY 11768

Chapter 302, Section 4 of the Code of the State of New York
Authorizing the Removal of the Overgrown Weeds and Grass

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
2 Holdsworth Dr. Huntington, NY 11743	0400-093.00-02.00-115.001	Abdul Omar Noorullah Zadran	11/29/2010	9 Skyline Dr. N. Windham, CT 06256
24 Lorraine Ct. Northport, NY 11768	0400-055.00-01.00-048.003	Mohammed Sabur	11/18/2010	28 Alsace Pl. Northport, NY 11768

*Different owner name - same address
RESOLUTION CODE VIOLATIONS FOR TB 12/14/2010
12/13/2010 3:25 PM
Public Safety/dag

RESOLUTION TO ESTABLISH SEPTEMBER 11TH AS A MEMORIALIZED DAY
TO HONOR THE FALLEN VICTIMS OF SEPTEMBER 11TH AND TO ESTABLISH
A SEPTEMBER 11TH MEMORIAL ADVISORY COMMITTEE

Resolution for Town Board Meeting dated: December 14, 2010

The following resolution was offered by: Councilman Mayoka

and seconded by: SUPERVISOR PETRONE, COUNCILWOMAN BERLAND

WHEREAS, Town of Huntington residents were amongst the thousands of victims of the September 11, 2001 terrorist attack on America; and

WHEREAS, the Town Board is desirous of annually recognizing and honoring the fallen victims of September 11th who called the Town of Huntington their home by establishing September 11th as a memorialized day; and

WHEREAS, the Town Board is desirous of establishing a volunteer September 11th Memorial Advisory Committee to formulate annual celebrations of the event; and

WHEREAS, establishing a volunteer committee is not an action as defined by 6 N.Y.C.R.R. §617.2(b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby create a volunteer September 11th Memorial Advisory Committee consisting of six (6) members who shall serve without compensation and shall be comprised of the following: Councilman Mayoka; Councilwoman Berland; one representative to be designated by each of the three remaining Town Board members; the Director of the Department of General Services; the Director of the Department of Parks and Recreation and the Town Attorney or his designee; and

BE IT FURTHER RESOLVED, that said September 11th Memorial Advisory Committee shall submit its written report and recommendations with respect to preparing a September 11th Tenth Anniversary Memorial Ceremony and other annual honorary measures to be approved by the Town Board by March 31, 2011.

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS: 0
Supervisor Frank P. Petrone		AYE	
Councilwoman Susan A. Berland		AYE	
Councilman Mark A. Cuthbertson		AYE	
Councilwoman Glenda A. Jackson		AYE	
Councilman Mark Mayoka		AYE	

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION ACCEPTING A FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS) FOR THE ZONE CHANGE APPLICATION OF TRIANGLE EQUITIES (KENSINGTON ESTATES), TOWN OF HUNTINGTON APPLICATION #2006-ZM-363, TO CHANGE THE ZONE FROM R-40 RESIDENCE DISTRICT TO R-RM RETIREMENT COMMUNITY DISTRICT IN THE TOWN OF HUNTINGTON AND R1-1A DISTRICT TO RMF-10 DISTRICT IN THE TOWN OF OYSTER BAY FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF JERICO TURNPIKE AND PLAINVIEW ROAD, WEST HILLS/WOODBURY.

Resolution for Town Board Meeting dated: December 14, 2010

The following resolution was offered by: **COUNCILMAN MAYOKA**

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, Triangle Equities 496 West Jericho Turnpike LLC, 30-56 Whitestone Expressway, New York 11354, submitted application #2006-ZM-363 for a change of zone from R-40 Residence District to R-RM Retirement Community District in the Town of Huntington and R1-1A District to RMF-10 District in the Town of Oyster Bay for property located on the southeast corner of Jericho Turnpike (NYS Route 25) and Plainview Road, West Hills/Woodbury, and designated as 0400-226-01-001 on the Suffolk County Tax Map and 13-D-114 & 115 on the Nassau County Tax Map; and

WHEREAS, said application was forwarded to the Planning Board by the Town Board for study and recommendation under the applicable provisions of Huntington Town Code §198-127, and pursuant to the New York State Environmental Conservation Law, Article 8, State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617; and

WHEREAS, the Huntington Town Board has been declared Lead Agency by the Commissioner of the New York State Department of Environmental Conservation in accordance with 6 NYCRR 617.6(b)(5); and

WHEREAS, based on the information provided with the application, the action was issued a Positive Declaration by the Huntington Town Board on November 7, 2007; and

WHEREAS, the Huntington Town Board accepted the Draft Environmental Impact Statement (DEIS) for the Triangle Equities (Kensington Estates) zone change application, dated December 2009, as satisfactory with regard to its scope, content and adequacy for the purpose of commencing the SEQRA hearing; and

WHEREAS, simultaneous public hearings were held on May 17, 2010 and written public and agency comments were accepted through June 21, 2010 to gather public comment on the DEIS in accordance with Section 617.9(a)(4) of the SEQRA regulations, and to consider adopting Local Law Introductory No. 7-2010 amending the "Amended Zoning Map of the Town of Huntington", as referenced in Chapter 198 (Zoning), Article II (Zoning Districts;

Map; General Regulations), §198-7 of the Huntington Town Code, thereby rezoning from R-40 Residence District to R-RM Retirement Community District the property designated on the Suffolk County Tax Map as 0400-226-01-001, and

WHEREAS, a revised FEIS, dated July 23, 2010 has been prepared by Nelson, Pope & Voorhis, LLC on behalf of the applicant in response to substantive comments received during the public comment period and after careful review and evaluation of the document;

NOW THEREFORE BE IT

RESOLVED, that the Town Board hereby: directs the Department of Planning and Environment to prepare and file a Final Impact Statement Notice of Completion in accordance with SEQRA; and

BE IT FURTHER

RESOLVED, the Town Board hereby instructs the Department of Planning and Environment to draft a Findings Statement on the FEIS no less than 10 days and no greater than 30 days after the filing of the FEIS pursuant to SEQRA §617.11.

VOTE: AYES: 4 NOES: 0 ABSTENTIONS: 1

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	ABSTAIN
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010 - 607

RESOLUTION ADOPTING THE RECOMMENDATIONS OF THE ADMINISTRATIVE HEARING OFFICER IN THE MATTER OF THE APPEAL OF FREDERICK A. TORRES (RE: TRANSPORTATION FOR HIRE OPERATOR'S PERMIT)

Resolution for Town Board Meeting dated: December 14, 2010

The following resolution was offered by: **SUPERVISOR PETRONE**

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the appellant, Frederick A. Torres, requested an appeal hearing regarding the denial of his taxi operator's license application pursuant to Huntington Town Code §180-31.A(3), (5) & (6); and

WHEREAS, pursuant to Huntington Town Code §180-33, an appeal hearing was held on November 22, 2010 before an administrative hearing officer who has recommended, in a written decision dated November 22, 2010, that the application to obtain a taxi operator's license be granted; and

WHEREAS, the subject of this resolution is a Type II action pursuant to 6 NYCRR 617.5 (c)(20) and (29) therefore no further SEQRA review is required.

NOW THEREFORE BE IT

RESOLVED that the Town Board

HEREBY ADOPTS the recommendations of the administrative hearing officer in the Matter of the Appeal of Frederick A. Torres attached hereto as Exhibit "A" and made a part hereof and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2010- 608

RESOLUTION APPOINTING HUNTINGTON GREENWAY TRAILS CITIZENS
ADVISORY COMMITTEE CHAIRPERSON

Resolution for Town Board Meeting dated: December 14, 2010

The following resolution was offered by **COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, on April 7, 2009 the Town Board appointed a Huntington Greenway Trails Citizens Advisory Committee and Chairperson and the Chairperson has submitted in writing his resignation from the appointed position as Committee Chair, but willingness to remain as a working member of the Committee, and

WHEREAS, the Huntington Greenway Trails Citizens Advisory Committee has recommended appointment of Laura McKellar, who has represented the Conservation Board on the Committee since its appointment, and Ms. McKellar is interested in assuming the role, and

WHEREAS, the proposed appointment of a Huntington Greenway Trails Citizens Advisory Committee Chairperson is not an action requiring review pursuant to the SEQRA regulations 6 NYCRR Part 617; and

NOW THEREFORE

THE TOWN BOARD

HEREBY APPOINTS

Laura McKellar
6 Pine Place
Greenlawn, NY 11740

as Chairperson of the Huntington Greenway Trails Citizens Advisory Committee.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION APPOINTING AN ACTING DIRECTOR OF THE DEPARTMENT OF
ENGINEERING FOR THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the appointment of personnel is not an action as defined by 6 NYCRR §617.2 (b) and therefore no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY APPOINTS

Peter Wolpensinger
7 Salem Place
Deer Park, NY 11729

as Acting Director of the Department of Engineering for the Town of Huntington at his
current compensation effective December 29, 2010

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010- 6/0

RESOLUTION DEDICATING 22 SABBATH DAY PATH AS PARKLAND AND
AUTHORIZING COMPTROLLER TO APPROPRIATE MONIES FROM THE
ENVIRONMENTAL OPEN SPACE AND PARK IMPROVEMENT FUND FOR
RECOMMENDED PARK IMPROVEMENTS (VILLAGE GREEN PARK)

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by **COUNCILMAN CUTHBERTSON**

and seconded by **SUPERVISOR PETRONE**

WHEREAS, Resolution No. 1998-858 was adopted at a special meeting of the Town Board on November 20, 1998; and said resolution authorized the issuance of \$15,000,000 serial bonds of the Town of Huntington for the Environmental Open Space and Park Improvement Fund, for which \$5 million was to be used for park improvements, and

WHEREAS, Resolution No. 2003-569 was adopted at a meeting of the Town Board on August 27, 2003 and said resolution authorized the issuance of \$30,000,000 serial bonds of the Town of Huntington for the Environmental Open Space and Park Improvement Fund, subject to mandatory referendum that was supported by Huntington voters, for which \$7 million was to be used for park improvements, and

WHEREAS, Resolution No. 2008-481 was adopted at a meeting of the Town Board on August 26, 2008 and said resolution authorized the issuance of \$15,000,000 serial bonds of the Town of Huntington for the Environmental Open Space and Park Improvement Fund, subject to mandatory referendum that was supported by Huntington voters, for which \$5 million was to be used for park improvements, and

WHEREAS, the Town of Huntington acquired the property at 22 Sabbath Day Path, identified as 0400-074.00-02.00-022.000 on the Suffolk County Tax Map, with the intent of adding it to Village Green Park, and by resolution #2009-485 on September 22, 2009 the Town Board issued a certificate of approval to demolish the single-family dwelling at 22 Sabbath Day Path in the Old Huntington Green Historic District, and

WHEREAS, the EOSPA Committee reviewed and voted to support a park improvement nomination from the Director of General Services at its meeting of November 9, 2010 to demolish the existing house at 22 Sabbath Day Path, remove and dispose of all debris, and restore the ground surface and plant with grass to annex the property to Village Green Park, in an amount not to exceed \$14,500;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby dedicates the 22 Sabbath Day Path property (SCTM 0400-074.00-02.00-022.000) as a parkland addition to Village Green Park, and

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate funds on an as-needed basis to be transferred from A-0870 Open Space Land and Park Improvements Reserve Fund, in addition to funding that may have already been authorized for these projects, and charged to the appropriate capital budget account for the park improvement recommended by the EOSPA Committee as listed below for implementation by the identified department/entity:

DEPARTMENT OF GENERAL SERVICES

Village Green Park, not to exceed \$14,500

Demolish existing house and improvements, dispose of all debris, restore ground surface and plant with grass

AND BE IT FURTHER

RESOLVED, that should additional funding be necessary to implement the above-listed project approved by the Town Board, including design and engineering of the specific improvements that may need to be contracted to outside consulting professionals, the EOSPA Committee may recommend additional funding to the Town Board.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010 - 6//

RESOLUTION DISCONTINUING A PORTION OF PROPERTY IDENTIFIED BY S.C.T.M. NO.: 0400-140.00-03.00-109.003 AND A CERTAIN TRACT OF LAND LOCATED AT THE INTERSECTION OF RAILROAD STREET AND LOWNDES AVENUE AS PUBLIC ROADWAYS AND AUTHORIZING THE SUPERVISOR TO EXECUTE ALL NECESSARY DOCUMENTS TO TRANSFER THE TRACT OF LAND AT RAILROAD STREET AND LOWNDES AVENUE, IN HUNTINGTON STATION TO THE HUNTINGTON COMMUNITY DEVELOPMENT AGENCY FOR DEVELOPMENT AND SALE AS AFFORDABLE HOUSING

Resolution for Town Board Meeting dated: December 14, 2010

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the Huntington Town Board by Resolution No. 2009-265 adopted on May 19, 2009 authorized the acquisition of 4/6 Columbia Street and 14 Columbia Street, in Huntington Station under the "Take Back the Blocks" Program in partnership with the County of Suffolk; and

WHEREAS, upon acquisition, the Huntington Town Board authorized by virtue of Resolution No.: 2009-265 the transfer of fee title to 4/6 Columbia Street and 14 Columbia Street, in Huntington Station to the Huntington Community Development Agency, as the Town of Huntington's designated agent, for the purpose of demolition and re-development of affordable housing units, each containing one (1) affordable accessory apartment, to be marketed to qualified first-time homeowners and regulated in accordance with the Town's Affordable Housing Law; and

WHEREAS, by Resolution No.: 2010-171 adopted on April 13, 2010 the Town Board further authorized the transfer of two additional parcels in furtherance of the revitalization of Huntington Station to the Huntington Community Development Agency, as its designated agent, for development and sale in accordance with the identified project of which one is unimproved and more particularly identified on the Suffolk County Tax Map by Number No.: 0400-140.00-03.00-109.003 fronting on Railroad Street; and

WHEREAS, a small portion of lot 109.003 has been utilized as part of Railroad Street through the passage of time without the knowledge or consent of the Huntington Town Board, said portion of the lot being more particularly described by the metes and bounds description annexed hereto and made a part hereof as Schedule "A"; and

WHEREAS, the Superintendent of Highways has represented to the Huntington Town Board that the discontinuance of said portion of the lot as part of Railroad Street and its reverter back to its rightful status as a component part of lot 109.003 would not interfere with vehicular or pedestrian travel on Railroad Street, or the ability of his Department to access, maintain or repair Railroad Street; and

WHEREAS, in order have sufficient acreage to fully develop a total of eight (8) affordable housing units each with accessory apartments, the Town Board wishes to transfer fee title to a fifth tract of land not identified by a Suffolk County Tax Map Number but by the metes and bounds description annexed hereto and made a part hereof as Schedule "B" which adjoins lot 109.003 and fronts on Railroad Street and Lowndes Avenue in Huntington Station; and

WHEREAS, said tract of land is currently being used as part of the intersection of Railroad Street and Lowndes Avenue through the passage of time without the knowledge of the Town Board, and the Superintendent of Highways has represented that the conveyance of said tract set forth in Schedule "B" would not impede safe passage through said intersection or the ability of the Highway Department to maintain and repair the roadways; and

WHEREAS, the Town Board wishes to clear title to lot 109.003 and to transfer ownership of the fifth tract of land identified in Schedule "B" to the Community Development Agency in furtherance of its commitment to revitalize and re-develop the Huntington Station area, and neither tract is held as designated parkland or identified on a filed map as a public roadway; and

WHEREAS, both parcels are marked for identification on a survey of the area attached hereto and made a part hereof as Schedule "C", and

WHEREAS, the Town Board is the only "involved" agency in authorizing the discontinuance and transfer of the property, and as the "lead agency" has determined that the proposed action is an Unlisted action pursuant to SEQRA; and

WHEREAS, the Department of Planning and Environment has prepared a short Environmental Assessment Form for the proposed action to facilitate completion of the necessary SEQRA evaluation prior to the Town Board authorizing any action; and

WHEREAS, pursuant to Town Law §64(2) this Resolution is subject to permissive referendum to the extent it authorizes the transfer of property and shall take effect thirty (30) days after its adoption or, if a referendum is held, upon the affirmative vote of a majority of the qualified electors of the Town voting on the referendum.

NOW THEREFORE, THE TOWN BOARD

HEREBY FINDS on review of the short form EAF, that there shall be no significant adverse environmental impacts associated with the proposed action and hereby issues a Negative Declaration pursuant to SEQRA; and

2010 - 611

HEREBY DISCONTINUES the use of the portion of lot 109.003 identified in Schedule "A" and the tract of land identified in Schedule "B" as public roadways forthwith; and

HEREBY AUTHORIZES the Supervisor to execute any and all documents and take all actions necessary to transfer fee title of the tract of land identified in Schedule "B" to the Huntington Community Development Agency, as its designated agent, on such terms and conditions as may be acceptable to the Town Attorney, for eventual development and sale as part of the Columbia Street Project; and

HEREBY DIRECTS the Huntington Community Development Agency, upon the sale of the tract of land set forth in Schedule "B" as well as the parcels set forth in Town Board Resolution Nos. 2010-265 and 2010-171 to qualified first-time homeowners, to return the net sale proceeds of such sales to the Affordable Housing Trust & Agency Fund Account TA-0085 up to an amount equal to the fund's total expenditures for the acquisition, sale and development of the properties for the identified project.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

ROBERT B. HOLZMAN

Licensed Land Surveyor

1029 William Floyd Parkway • Suite 3 • Shirley, NY 11967

Tel.: (631) 281-0162 • Fax: (631) 281-0292

2010-611

DESCRIPTION

SCHEDULE "A"

COLUMBIA STREET PROJECT

AREA TO BE REMOVED FROM HIGHWAY USE

400-140-3-p/o 109.3

All that certain plot, piece or parcel of land situate, lying and being in Huntington Station, Town of Huntington, County of Suffolk and State of New York known and designated as part of Lot A, as shown on a certain Map entitled Map B Property of Allison E. Lowndes (Fairgrounds-map), Filed September 21, 1903 as Map No. 432 and more particularly bounded and described as follows:

BEGINNING at a point along the West side of Lowndes Avenue, 156.40 feet South of the intersection formed by West side of Lowndes Avenue and the South side of Columbia Street

RUNNING THENCE South $10^{\circ}31'28''$ East 43.60 feet along the West side of Lowndes Avenue to a point on the North side of Railroad Avenue

THENCE South $54^{\circ}12'00''$ West 141.15 feet along the North side of Railroad Avenue to a point

THENCE the following 2 courses and distances:

1. North $41^{\circ}21'54''$ East 156.99 feet
2. Northeasterly along a curve bearing to the left, having a Radius of 16.59 feet and an arc Length of 8.18 feet to a point on the West side of Lowndes Avenue and the point or place of beginning.

12/6/10

ROBERT B. HOLZMAN

Licensed Land Surveyor
1029 William Floyd Parkway • Suite 3 • Shirley, NY 11967
Tel.: (631) 281-0162 • Fax: (631) 281-0292

2010-611

DESCRIPTION

SCHEDULE "B"

COLUMBIA STREET PROJECT

FINAL UNDEEDED AREA - p/o RAILROAD STREET and LOWNDES AVENUE

All that certain plot, piece or parcel of land situate, lying and being in Huntington Station, Town of Huntington, County of Suffolk and State of New York known and designated as Part of Railroad Street, and Part of Lowndes Avenue and more particularly bounded and described as follows:

BEGINNING at a point on the West side of Lowndes Avenue 63.33 feet South of the intersection formed by the West side of Lowndes Avenue and the South side of Columbia Street

RUNNING THENCE the following 2 courses and distances along the new Westerly side of Lowndes Avenue Right-of-Way

1. Southeasterly along a curve bearing to the Left, having a Radius of 66.00 feet and an arc Length of 44.19 feet
2. South $48^{\circ}53'13''$ East 51.32 feet to the Northerly end of a curve connecting the new West side of Lowndes Avenue and the new North side of Railroad Street

THENCE along said curve bearing to the Right, having a Radius of 20.00 feet and an arc Length of 30.83 feet to a point on the new North side of Railroad Street

THENCE Southwesterly along said new line along a curve bearing to the Right, having a Radius of 200.00 feet and an arc Length of 51.56 feet to a point

THENCE North $10^{\circ}31'28''$ West 136.67 feet along said West side of Lowndes Avenue to the point or place of beginning.

12/3/10

2010-611

COLUMBIA STREET

(COLUMBIA AVENUE - MAP)

STREET SIGN

SCHEDULE "C"

LOWNDES

SCHEDULE A

SCHEDULE B

RAILROAD

72

108

109.3

R=16.59'
L=8.18'

S 10° 31' 28" E 43.60'

N 41° 21' 54" E

S 54° 12' 00" W

141.18'

156.40'

156.99'

2010- 6/2

RESOLUTION AMENDING THE CRITERIA AND PROCESS FOR THE TAKE BACK THE
BLOCKS PROGRAM AND AUTHORIZING THE IMPLEMENTATION OF SAME

Resolution for Town Boar Meeting Dated: December 14, 2010

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, in furtherance of the purposes of the Take Back the Blocks Program the Town Board wishes to amend the criteria and process for administering the Take Back the Blocks Program; and

WHEREAS, the amending of criteria and process for the administration of the Take Back the Blocks Program is not an action as defined by 6 N.Y.C.R.R. 617.2(b), and therefore, no further SEQRA review is required.

NOW THEREFORE, THE TOWN BOARD

HEREBY ADOPTS the amended criteria and process set forth in Schedule "A" for the administering the Take Back the Blocks Program , which is attached hereto and made a part of this Resolution, and authorizes the implementation of same.

VOTE: AYES: 4 NOES: 1 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda Jackson	AYE
Councilman Mark Mayoka	NO

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

SCHEDULE "A"CRITERIA & PROCESS: TAKE BACK THE BLOCKS PROGRAMMISSION STATEMENT:

To acquire and/or rehabilitate dilapidated properties in order to provide aesthetically pleasing owner-occupied affordable homes in their place. The goal of the TBTB Program is to improve housing and neighborhood conditions while at the same time provide ownership opportunities for existing tenants/residents.

QUALIFIED PROPERTIES:

Prospective properties shall be considered by the Huntington Affordable Housing Advisory Board with guidance from the Town of Huntington Community Development Agency. If the property is deemed appropriate for participation in the program, the above Board shall seek formal approval from the Town Board of the Town of Huntington for its purchase by a qualified not for profit under the TBTB Program. All properties must meet the following minimum requirements to be eligible for purchase under the program:

- (1) Priority shall be given to properties that have already been converted into multi-family residences (have an apartment), or to those whose design and layout make them amenable to the establishment of an accessory apartment.
- (2) Initial purchase price of property by a qualified not for profit shall not be more than \$500,000 per dwelling unit, exclusive of necessary closing costs and fees. Such maximum price shall be adjusted, from time to time, based upon any subsequent increase in the consumer price index.

QUALIFICATIONS OF NOT-FOR-PROFIT AGENCY (INITIAL PURCHASER):

Under the guidance of the Town of Huntington Community Development Agency., the Huntington Affordable Housing Advisory Board shall screen, evaluate, and reject or accept not-for-profit agencies interested in participating in the TBTB Program. These agencies shall, at all times during their participation in the Program, meet the following minimum requirements:

- (1) The initial purchaser of qualified properties must be organized under §501(c)(3) of the United States Code and must have been issued a §501(c) certificate from the United States Internal Revenue Service.
- (2) The Agency shall be evaluated based upon its knowledge and experience in housing rehabilitation, affordable housing management and home ownership procedures. Prior

SCHEDULE "A"

endeavors involving the rehabilitation of sites and/or affordable property management activities shall be disclosed to and reviewed by the steering committee.

- (3) Audited financials must reflect sound accounting practices that the not-for-profit organization or Agency is in good standing with the United States Internal Revenue Service and New York State Department of Taxation and Finance.
- (4) The Board of Directors of the not-for-profit organization or Agency shall be comprised of at least five (5) unrelated members.
- (5) The Agency must recognize that its primary function as initial purchaser of one or more qualifying properties under the program is to rehabilitate same with a goal to place existing tenant/s, to the extent possible, on a track to home ownership. This shall be accomplished by the Agency, in conjunction with the Town of Huntington Community Development Agency, providing existing tenants with ongoing education, resources and guidance with respect to home ownership and applicable financing programs for a period not to exceed five years. If, during those five years, said tenant/s either voluntarily or involuntarily forfeits placement on homeownership track, the Agency will make best effort to relocate tenant and secure either new tenant/s or a homeowner in order to fulfill mission of TBTB program. The Town Board, at its discretion, may extend the five year period of ownership by the not for profit.

REHABILITATION OF QUALIFIED PROPERTIES:

Under the guidance of the Town of Huntington Community Development Agency and the Huntington Affordable Housing Advisory Board shall review and approve project and design criteria, as follows:

- (1) Property must be rehabilitated and shall fully comply with all applicable provisions of the New York State Building Codes and the Code of the Town of Huntington, including its zoning ordinance.
- (2) In evaluating the project design, the Board shall consider whether the project is aesthetically pleasing and compatible with the surrounding community; whether the design layout is amenable to the establishment of an accessory apartment; and whether the building materials to be utilized are "equal to or better" than the minimum acceptable standards in the industry.

FUNDING SOURCES:

The Take Back the Blocks Program shall take full advantage of all public and private grants and subsidies available for housing acquisition and rehabilitation, including but not limited to Community Development Block Grant (CDBG) funds, The HOME Program, The Suffolk County Affordable Housing Program, The Town of Huntington Affordable Housing Trust Fund, The New York State Affordable Housing Corporation and the New York State Division of Housing and Community Renewal (DHCR).

SALE OF PROPERTY BY A NOT-FOR-PROFIT ORGANIZATION OR AGENCY TO A QUALIFIED PURCHASER:

The Agency qualified under the TBTB Program shall review and approve prospective purchasers in conjunction with the Huntington Community Development Agency and Affordable Housing Advisory Board. The following guidelines shall be followed and each such purchaser shall meet the following minimum requirements:

- (1) Preference shall be given to candidates already residing in the home.
- (2) Preference shall also be given to residents of jurisdictions providing public funds, tax abatements or other subsidies for the purchase and/or rehabilitation of the property.
- (3) Prospective purchasers shall be income qualified under the United States Department of Housing and Urban Development (HUD) funding standards applicable at the time of review.
- (4) Prospective purchasers must agree that all public funds, grants and subsidies of any kind initially utilized to reduce the purchase price of the property shall be fully reimbursed, with interest, and any costs or administrative fees due and payable shall be paid in full if they sell the property to another purchaser for market value. These obligations may be secured by promissory notes, mortgages or liens, by deed restrictions, and by any other means deemed advisable. In the event the property is sold at market value it ceases to be eligible under the Take Back the Blocks Program and therefore, any exemption or waiver provided under the Accessory Apartment Law shall automatically terminate. Any accessory apartment established under the Program shall be immediately removed.
- (5) Prospective purchasers must agree to live in the home and use the property as their primary residence (their domicile) throughout the entire period of their ownership. They must also agree to execute a covenant and restriction at closing requiring that the property remain owner-occupied. Their failure to abide by this covenant or to sell to anyone other than a qualified purchaser under the Take Back the Blocks Program shall result in: a) a right of first refusal arising in favor of the initial Agency purchaser; and, b) an acceleration of their obligation to reimburse the amount of all public funds, grants and subsidies received, together with all costs, penalties and administration fees as may be applicable.

SCHEDULE "A"

- (6) If the property has an established accessory apartment and bears an accessory apartment permit issued by the Town, the prospective purchasers must agree to sign an application to transfer the accessory apartment permit to their name at time of purchase from the qualified not for profit. Candidates for purchase shall be encouraged at all times to make use of the Town of Huntington's Accessory Apartment Law as a means of providing quality affordable housing and as a way of generating money to be used toward the payment of their monthly mortgage obligation.
- (7) Not-for-profit corporations and agencies may establish such other guidelines and restrictions as they deem necessary or proper for the administration of the Program as long as they are consistent with the criteria adopted by the Town Board, Fair Housing Laws and all other applicable laws and rules.

LEASE OF PROPERTY BY A NOT-FOR-PROFIT ORGANIZATION OR AGENCY TO QUALIFIED CANDIDATES:

The Agency qualified under the Program shall review and approve prospective candidates wishing to lease a housing unit. The following guidelines shall be followed and each candidate shall meet the following minimum requirements:

- (1) Preference shall be given to candidates already residing in the home.
- (2) Preference shall also be given to residents of jurisdictions providing public funds, tax abatements or other subsidies for the purchase and/or rehabilitation of the property.
- (3) Prospective tenants shall be income qualified under such HUD funding standards as are applicable as of the date of the lease and upon the date of each subsequent renewal thereof.
- (4) The Agency must accept Section 8 Certificates.
- (5) The proposed rental unit must comply with the minimum Section 8 Housing Quality Standards and the requirements of the Town of Huntington Code.
- (6) Any rent payable pursuant to the lease, and any renewal thereof, must be consistent with HUD funding standards.

2010- 613

RESOLUTION ESTABLISHING A MUNICIPAL HOUSING DEVELOPMENT FUND
AND ADOPTING POLICIES AND PROCEDURES FOR ADMINISTRATION OF
THE MUNICIPAL HOUSING DEVELOPMENT FUND TO BE DESIGNATED FOR
SINGLE FAMILY HOME REHABILITATION UNDER THE TAKE BACK THE
BLOCKS PROGRAM

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: Supervisor Petrone, **COUNCILWOMAN JACKSON**

And seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, in recognition of the need to increase the stock of affordable housing in the Town of Huntington, on December 12, 2000 via Resolution #2000-903, the Huntington Town Board enacted Local Law #37-2000 amending the Code to create legislative mechanisms to stimulate affordable housing; and

WHEREAS, in furtherance of creating affordable owner-occupied housing, eliminating substandard housing and stabilizing residential neighborhoods, the Town of Huntington, on April 19, 2005 by Resolution No. 2005-14 established the Take Back the Blocks Program; and

WHEREAS, the Town Board wishes to encourage the creation of affordable homeownership and, pursuant to Private Housing Finance Law § 574-a (2) [c], to establish a Municipal Housing Development Fund to provide financing for renovation of single family homes subject to the Policies and Procedures outlined for the Take Back the Blocks Program and additional specific Policies and Procedures for the Municipal Housing Development Fund; and

WHEREAS, the Affordable Housing Advisory Board has recommended that the Town Board establish a separate and distinct fund to be used to provide low interest loans to certain not-for-profit agencies for the purpose of renovating and reselling single family homes under the Take Back the Blocks program criteria; and

WHEREAS, the source of funds for the loan account will be the Affordable Housing Trust Fund and the loan fund will establish a designated account from which monies may be borrowed by the not-for profit entities; and

WHEREAS, the Policies and Procedures for the administration and use of the Municipal Housing Development Fund are set forth in Schedule "A" attached hereto; and

WHEREAS, the establishment of a Municipal Housing Development Fund is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(20) and (c)(27) and, therefore, no further SEQRA review is required.

2010-613

NOW, THEREFORE

THE TOWN BOARD

HEREBY ACCEPTS the recommendation of the Affordable Housing Advisory Board to establish a Municipal Housing Development Fund; and

HEREBY ESTABLISHES, the Municipal Housing Development Fund pursuant to New York State Private Housing Finance Law § 574-a (2) [c] to provide monies to fund loans to certain not-for-profit entities for the renovation of single family homes; and

HEREBY ADOPTS the Policies and Procedures for the Municipal Housing Development Fund as set forth in Schedule "A", attached hereto and made a part of this resolution; and

HEREBY DIRECTS the Comptroller to transfer from the Affordable Housing and Trust Fund Account a sum of THREE HUNDRED AND EIGHTY THOUSAND AND NO/100 (\$380,000.00) DOLLARS to an account designated as the Municipal Housing Development Fund; and

HEREBY DESIGNATES the Huntington Community Development Agency to administer the fund pursuant to the Policies and Procedures approved herein.

VOTE: AYES: 4 NOES: 1 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda Jackson	AYE
Councilman Mark Mayoka	NO

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2010-613

Schedule "A"
Policies and Procedures
Municipal Housing Development Fund
Established Pursuant to the
"Take Back the Blocks Program"

1. This program is being established to loan money to Not-For-Profit Housing Agencies who acquire and/or rehabilitate homes under the "Take Back the Blocks Program" to serve families that are 80% of median income.
2. The program will be administered by the Huntington Community Development Agency (HCDA) and funded from the Affordable Housing Trust Fund upon recommendation from Affordable Housing Advisory Board as approved by the Town Board.
3. Not-For-Profit Housing Agencies shall be defined to include any agency qualified under section 501 C (3) of the Internal Revenue Code (or any successor law) who is participating in and satisfies the criteria of the "Take Back the Blocks Program."
4. All requirements of the "Take Back the Blocks Program" established by Town Code section 198-146 shall apply.
5. In order to qualify for a loan under this program, the Not-For-Profit agency must have prior experience rehabilitating single family homes under the "Take Back the Blocks Program", the Neighborhood Stabilization Program (NSP), Community Development Block Grant (CDBG) program or any similar program funded by New York State or a charitable foundation to rehabilitate the housing stock.
6. The Director will maintain a list of all qualifying agencies that have expressed an interest in the program.
7. The maximum loan amount shall be an amount equal to or less than 80% of the acquisition price of the property or 75% of two times the HUD median income for a family of four in Suffolk County, whichever is less.
8. Any loans made pursuant to this program shall be secured by a promissory note and first mortgage against the parcel to be acquired and/or renovated. The interest rate shall be as determined by the Director of the Huntington Community Development Agency but shall not be less than 1%. This rate has been recommended by the Affordable Housing Advisory Board based on all "Take Back the Blocks" homes being affordable.

SCHEDULE "A"

2010-613

9. The promissory note and first mortgage shall be in a form acceptable to the Town Attorney and Huntington Community Development Agency Attorney and shall require that all funds due thereunder shall be paid in full when the property is sold to an eligible homebuyer. The borrowing Not-For-Profit agency shall pay all closing costs of the loan including, but not limited to mortgage tax, governmental recording fees and mortgage insurance naming the Huntington Community Development Agency as the insured.
10. To insure the continued affordability of the properties acquired and/or improved under this program the borrowing Not-For-Profit agency shall execute at closing and cause to be recorded, covenants and restrictions in the form established by the Huntington Community Development Agency and approved by the Huntington Community Development Agency's Attorney and Town Attorney in which the agency agrees to enroll the property in the Town of Huntington Affordable Housing program as described in Town Code Section 198-13(I).

2010- 6/4

RESOLUTION EXTENDING THE TIME TO MAKE A DETERMINATION REGARDING THE ADOPTION OF LOCAL LAW INTRODUCTORY NUMBER 5-2010, CONSIDERING ZONE CHANGE APPLICATION #2008-ZM-372, HILLTOP HOMES, TO CHANGE THE ZONING FROM C-6 GENERAL BUSINESS AND R-80 RESIDENCE DISTRICT TO R-3M GARDEN APARTMENT SPECIAL DISTRICT FOR THE PROPERTY LOCATED ON THE SOUTHEAST CORNER OF EAST MAIN STREET AND CENTERSHORE ROAD, CENTERPORT.

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by **COUNCILMAN CUTHBERTSON**

and seconded by **COUNCILMAN MAYOKA**

WHEREAS, Town Board Resolution 2010-101 scheduled a public hearing, and the same was held on the 13th day of April, 2010, to consider adopting Local Law Introductory No. 5-2010, considering zone change application #2008-ZM-372 for a change of zone from C-6 General Business and R-80 Residence District to R-3M Garden Apartment Special District on the property located on the southeast corner of the intersection of East Main Street (NYS Route 25A) and Centershore Road, Centerport, designated as 0400-079-03-001 on the Suffolk County Tax Map; and

WHEREAS, the Town Board reserved decision; and

WHEREAS, pursuant to the Code of the Town of Huntington Chapter 54, the time period to make a determination on the application was extended to January 8, 2011 by resolution number 2010-493, and the time period is about to expire; and

WHEREAS, a time extension is not an action pursuant to SEQRA as defined by 6 NYCRR §617.2(b) and therefore no SEQRA review is required;

NOW THEREFORE THE TOWN BOARD

HEREBY EXTENDS the time to make a determination concerning the above referenced change of zone application for an additional 90 day time period to April 8, 2011.

VOTE: AYES: 4 NOES: 1 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	NO
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010 - 615

RESOLUTION RETAINING INDUSTRIAL AND UTILITY VALUATION CONSULTANTS, INC. RE: REVIEW AND ANALYZATION OF THE 2011 EQUALIZATION RATE FOR THE TOWN OF HUNTINGTON AND SPECIAL SEGMENT RATES FOR THE COLD SPRING HARBOR SCHOOL DISTRICT AND AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH INDUSTRIAL AND UTILITY VALUATION CONSULTANTS, INC.

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILMAN MAYOKA,**
COUNCILMAN CUTHBERTSON

and seconded by: **COUNCILWOAMN JACKSON, COUNCILWOMAN BERLAND**

WHEREAS, the New York State Office of Real Property Tax Services (ORPTS), a Division of the New York State Department of Taxation and Finance, annually establishes an Equalization Rate for the Town of Huntington, as well as Special Segment Rates for the Cold Spring Harbor School District; and

WHEREAS, there are numerous functions specific to the Town of Huntington's "Equalization Rate", including among others: the defense of the commercial tax base in certiorari proceedings; the amount of County Police property taxation that is apportioned into Huntington in comparison to the other four Western Towns in Suffolk County; the amount of County property taxation that is apportioned into Huntington in comparison to the other nine Towns in Suffolk County; the amount of Basic & Enhanced STAR School tax savings to our resident property taxpayers ; and the amount of property tax savings for Veterans; and

WHEREAS, the "Special Segment Rates" apportions the annual tax levy of Cold Spring Harbor School District into the Towns of Huntington and Oyster Bay; and

WHEREAS, the Town desires to: strengthen our tax certiorari defense; decrease the amount of Suffolk County and County Police property taxation that is apportioned into Huntington; increase the amount of Basic & Enhanced STAR school tax savings our resident property taxpayers receive; increase the property tax savings that thousands of our Veterans receive; decrease the amount of Cold Spring Harbor School property taxes that are apportioned into Huntington; among other benefits to the Town of Huntington; and

WHEREAS, the Town Board recognizes the importance of retaining outside professional consultants to represent the Town in discussions, review and negotiations with ORPTS in order to be in an advantageous position in critiquing & challenging the equalization rate and special segment rates for the 2011/12 property tax year (December 1, 2011 to November 30, 2012); and

2010 - 615

WHEREAS, retention of an outside consultant to assist the Town in the negotiations and of New York State Equalization and Special Segment Rates is not an action as defined by 6 N.Y.C.R.R. § 617.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board hereby retains Industrial and Utility Valuation Consultants, Inc, located at 111 Washington Avenue, Suite 304, Albany, New York 12210 to provide expert services in the areas of Equalization and Special Segment Rates challenges and other Real Property Tax Law representation set forth in the Scope of Services to be appended to and made a part of the agreement authorized by this resolution, at a rate of \$250.00 per hour in an amount not to exceed FIFTEEN THOUSAND AND XX/100 (\$15,000.00) DOLLARS, to be charged to the 2011 Operating Budget A1355-4550 (Outside Professional), and upon such other terms and conditions as may be acceptable to the Office of the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2010 - 616

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 27-2010
AMENDING THE CODE OF THE TOWN OF HUNTINGTON CHAPTER 78
(ANIMALS)

Resolution for Town Board Meeting dated: December 14, 2010

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILMAN MAYOKA**

THE TOWN BOARD having held a public hearing on the 4th day of November, 2010 at 7:00 p.m. to consider adopting Local Law Introductory No. 27-2010 to consider amending the Code of the Town of Huntington, Chapter 78 (Animals), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 27-2010 amending the Code of the Town of Huntington, Chapter 78 (Animals); as follows:

LOCAL LAW NO. 30 - 2010
AMENDING THE CODE OF THE TOWN OF HUNTINGTON,
CHAPTER 78 (ANIMALS), ARTICLE 1 (DOGS AND OTHER ANIMALS),
ARTICLE II (CATS) AND ARTICLE V (DISPOSAL OF DEAD ANIMALS)

Section 1. Chapter 78 (Animals), Article 1 (Dogs and Other Animals), Article II (Cats) and Article V (Disposal of Dead Animals), is hereby amended to read as follows:

CHAPTER 78 (ANIMALS)

ARTICLE I
[DOGS AND OTHER ANIMALS]
GENERAL PROVISIONS

§78-1. [Findings.] Legislative Intent.

(A) [It is hereby declared and found that the health, welfare and safety of the inhabitants of the Town of Huntington require regulation of the seizure, disposition and rabies vaccination of privately owned dogs.] It is the intention of the Town Board to safeguard the health, safety and welfare of town residents and the public-at-large by providing for the rabies vaccination, seizure, disposal, and supervision of animals within the Town of Huntington, and by prohibiting the ownership, possession, harboring and maintenance of certain wild and dangerous animals.

2010 - 6/6

(B) The Town Board intends to control and regulate the disposal of dead animals and biological tissue waste to insure that same is performed in a safe and responsible manner and does not injure the public health or environment.

§78-2. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

IDENTIFICATION TAG – a tag issued by the Town Clerk which sets forth the identification number together with the name of the Town and State, the telephone number of the Town Clerk, and any other information deemed necessary by the Town Clerk.

* * *

OWNER – means any person who harbors or keeps any dog or other animal.

OWNER OF RECORD – means the person in whose name a dog was last licensed pursuant to this chapter.

PERSON – A person, partnership, corporation, association or other organized group of persons, business entity, municipality or other legal entity.

RESIDENT -- [A person] An individual who maintains a residence within the Town of Huntington.

* * *

ARTICLE II DOGS AND OTHER ANIMALS

§78-3. Running at large prohibited[; exceptions].

* * *

B. Except as [provided in Subsection C hereof and § 159-18D] permitted in off-leash areas and §159-20(D), it is unlawful for any person owning, possessing or harboring a dog or other animal in the Town of Huntington to permit or allow such dog or animal to run at large on any public property, including but not limited to parks, roadways, highways, streets, walkways, pathways and sidewalks, or to permit such animal with or without a leash or restraint to enter any public beach, swimming, bathing or wading area, pond, fountain, stream or organized athletics area. The Director of Parks and Recreation and the Director of Public Safety, or their designees, may remove or otherwise ban dogs and other pets, or a specific dog or pet, from any park or part thereof, where he or she determines that same may be a nuisance or is necessary to protect the health and safety of the public or maintain peace and order.

(C) Nothing contained in (B) herein is intended to apply to a guide dog, a hearing dog, service dog, working search dog, war dog, detection dog or therapy dog as defined in Article 7 of the New York State Agriculture and Markets Law while under the control of the person needing assistance, and police work dogs utilized by law enforcement agencies while under the control of law enforcement for law enforcement purposes.

[C. Exceptions.]

[(1)] [In general.]

§78-4. [(a)] Designated off-leash areas.

(A) Nothing in this article is intended to prohibit a dog from running at large in such off-leash areas as the Town Board may designate after a public hearing. The Town Board may hold a public hearing on its own motion. The Directors of Parks and Recreation, General Services and Planning and Environment shall submit their recommendations to the Town Board prior to the dedication of any land as a designated off-leash area. The Town Board may dedicate such land upon such terms and conditions as it deems advisable to protect the health and safety of residents or to promote public peace and order, and may discontinue such use at any time.

(B)[(b)] Licenses and permits. All dogs in the off-leash area must be licensed as required by this [article] chapter and all applicable laws or rules. All persons bringing a dog to a designated off-leash area must carry and have available for inspection by the Town a permit issued by the Director of Parks and Recreation which shall be produced upon request. The application for an off-leash permit shall be provided by the Department of Parks and Recreation, and shall be filed by the applicant with a copy of a valid dog license, a current rabies vaccination certificate issued by a licensed veterinarian if the vaccination information listed on the dog's license is missing or the vaccination has expired, proof of Town residency and such other proof or information as may be required by the Director, together with payment of the applicable fee. The Director may deny an application as he deems advisable. [The applicant may appeal the denial of an application to the Town Board by written application to the Town Clerk and payment of fifty (\$50.) dollars as an administrative fee.] If an application is granted, [such] the permit shall identify the name and address of the dog owner, the owner's business and home telephone number, and the name, age, sex, breed, color and markings of the dog. Once issued, the permit is not transferrable to another dog and shall expire one (1) year from the date of [its] issuance. At the discretion of the Director, a two-year permit may be issued upon the payment of the applicable fee.

(C)[(c)]

*

*

*

(D)[(d)] The Director of Parks and Recreation may adopt such rules and regulations as he deems advisable for the safe use and operation of off-leash areas. The Director of Parks and Recreation and the Director of Public Safety may temporarily ban dogs or a specific dog from any off-leash area where he or she determines that same may be a nuisance or is necessary to maintain peace and order, or necessary to protect the health and safety of the public. If a dog is repeatedly permitted or allowed to commit acts in violation of this article, the Director of Parks and Recreation may revoke the permit issued to the dog upon notice to the owner by certified mail, return receipt requested. [The permittee may appeal the revocation of his permit to the Town Board by written application to the Town Clerk and payment of fifty (\$50.) dollars as an administrative fee.]

[(e)] [Nothing contained in § 78-3B hereof is intended to apply to a guide dog, a hearing dog, service dog, detection dog and/or therapy dog, as defined in Article 7 of the New York State Agriculture and Markets Law while under the control of the person needing assistance or police work dogs utilized by law enforcement agencies while under the control of law enforcement for law enforcement purposes.]

§78-5. [(2)] Denial of Entry. No person, owner, agent and/or employee of any commercial or retail establishment, or association within the Town of Huntington shall prevent a guide dog, hearing dog, therapy dog, or service dog (as defined in Article 7 of the New York State Agriculture and Markets Law), while under the control of a person needing assistance[,], from entering [any commercial establishment] their premises or a public location.

§78-6. [§78-4.] Seizure; redemption; fees.

[A.] [The Animal Control Officer or any peace officer shall seize any dog running at large in violation of this article and not under the immediate and full control of the owner or person in charge thereof and not on a leash. Every dog seized, until disposed of, shall be properly fed and cared for at the expense of the Town of Huntington.]

(A) The Animal Control Officer or any peace officer shall seize any dog under the following circumstances.

(1) Is running at large and not under the immediate and full control of the owner or the control of the person-in-charge of the dog.

(2) Is not licensed, whether the dog is located on or off the owner's or person-in-charge's property.

(3) Any licensed dog which is not in the control of the dog's owner or custodian, or not on the property of the dog's owner or custodian, if there is probable cause to believe that the dog is dangerous.

(4) Any dog that in the opinion of the Animal Control Officer, police officer or peace officer poses an immediate threat to the public safety.

(B) Every dog seized, until disposed of, shall be properly sheltered, fed, watered and cared for the redemption period specified in this chapter.

(C) [B].

*

*

*

(D) [(C)] In the case of adoption of a seized dog, an adoption fee of eighty (\$80.) dollars shall be paid to the Town of Huntington. In addition, said dog must be vaccinated to prevent the spread of rabies and spayed/neutered before adoption. If said dog is not vaccinated, a vaccination fee of fifteen (\$15.) dollars shall be due and payable to the

Town of Huntington. At the time of adoption, a license shall be obtained for the dog upon payment of appropriate fees by the new owner of record. All proceedings by the Animal Control Officer or any peace officer for seizure and impounding of dogs and/or the redemption, disposition or adoption thereof shall be conducted and/or collected pursuant to the provisions of [§ 118 of Article 7 of] the Agriculture and Markets Law [of the State of New York] or successor law.

§78-7. [§78-5.] Commission of nuisances and other offenses

(A) No person owning, possessing or harboring a dog or having the right or ability to prevent it shall knowingly, carelessly or negligently permit such dog or other animal to commit any nuisance in or upon any public property, including but not limited to parks, roadways, highways, streets, walkways, pathways, sidewalks or off-leash areas [as provided in § 78-3C(1)(a)]; or upon the floor of any tenement house which is used in common by tenants thereof; or upon the fences of any premises or the walls or stairways of any building abutting on a public street, avenue, park, public square or place; or upon the floor of any theater, store, factory or any building which is used in common by the public, including all public rooms or places therewith connected; or upon the floor of any depot or station; or upon the station platform or stairs of any railroad or other common carrier; or upon the roof of any tenement house used in common by tenants thereof; or upon the floor of any hall, stairway or office of any hotel, motel or lodging house which is used in common by guests thereof; nor shall any person omit to do any reasonable and proper act or take any reasonable and proper precaution to prevent any such dog or other animal from committing such a nuisance in, on or upon any of the places or premises herein specified.

(B) No person owning, harboring, keeping or in charge of any dog shall cause, suffer or allow such dog to soil, defile, urinate, defecate on or deface any public property, including but not limited to parks, roadways, highways, streets, walkways, pathways, sidewalks or off-leash areas [as provided in § 78-3C(1)(a)], or any place where people congregate or walk, or on any private property without the permission of the owner of said private property.

(C) Exceptions. Dogs may be curbed on that portion of a roadway or street lying between the curblines. A person who curbs a dog shall immediately remove, in a suitable container, all feces deposited by such dog. The feces removed from the designated area shall be disposed of in a sanitary manner by the person owning, harboring, keeping or in charge of any dog curbed, [in accordance with the provisions of this subsection. The requirements of this subsection shall not apply to] except that a person who is visually impaired and/or disabled and is accompanied by a guide or service dog shall be exempted.

§78-8. [§78-6.]

*

*

*

§78-9. Rabies vaccination required.

(A) Any person owning, possessing or harboring a dog four (4) months of age or over in the Town of Huntington shall be required to have the dog vaccinated to prevent the spread of rabies, except that a rabies vaccine is not required as follows:

(1) To a dog brought into the Town for a period not to exceed fifteen (15) days; dogs in the custody of an incorporated society devoted to the care of lost, stray or homeless animals; dogs confined to public or private hospitals devoted to the treatment of sick animals; and dogs confined to educational or research institutions for the purpose of research

(2) To a dog whose health would be adversely affected by a rabies vaccination, provided that a written statement, certified by a duly licensed veterinarian, specifying such condition is presented to the Animal Control Officer or the Town Clerk and filed with the Town Clerk's office.

(B) Any person owning, possessing or harboring a dog who fails or refuses to submit the dog for vaccination within ten (10) days after a request by an Animal Control Officer, peace officer, police officer or health officer shall be in violation of this chapter.

§78-10. [§78-7.] License[, collar and tag] requirements.

[A.] [License required.]

(A)[(1)] License required. Any person owning, possessing or harboring a dog four (4) months of age or over in the Town of Huntington shall obtain a current license for said dog and shall place and keep on such dog a collar to which shall be securely attached a valid identification [dog license] tag for that dog, in accordance with the requirements of [Article 7 of the Agriculture and Markets Law of the State of New York, including subsequent amendments, changes and successor laws] this chapter.

[(2)] [At the time of licensing or license renewal, a current, valid certificate, indicating that the dog has been vaccinated to prevent the spread of rabies as required herein below, must be surrendered to the Town Clerk's office.]

[B.] [Rabies vaccination required.]

[(1)] [Any person owning, possessing or harboring a dog four (4) months of age or over in the Town of Huntington shall be required to have the dog vaccinated to prevent the spread of rabies.]

[(2)] [Subsection B(1) shall not apply to dogs brought into the Town for a period not to exceed fifteen (15) days; dogs confined to the premises of an incorporated society devoted to the care of lost, stray or homeless animals; dogs confined to the premises of public or private hospitals devoted to the treatment of sick animals; dogs confined to the premises of educational or research institutions for the purpose of research; or dogs confined to the premises of a person licensed as a Class A dealer under the Federal

Laboratory Animal Welfare Act engaged in the business of breeding or raising dogs for profit.]

[(3)] [Subsection B(1) shall not apply to any dog whose health would be adversely affected by a rabies vaccination, provided that a written statement, certified by a duly licensed veterinarian, specifying such condition is presented to the Town animal shelter supervisor or the Town Clerk and filed with the Town Clerk's office.]

[(4)] [Any person owning, possessing or harboring a dog who willfully fails or refuses to submit said dog for vaccination within ten (10) days after a request by an Animal Control Officer, peace officer, police officer or health officer shall be subject to the penalties provided in this article.]

(B) Exemptions.

(1) No license is required for any dog under the age of four (4) months and which is not at-large, or residing in a pound or shelter maintained by or under contract by the Town of Huntington, Suffolk County or State of New York, or a duly incorporated society for the prevention of cruelty to animals, or a duly incorporated humane society or duly incorporated dog protective services.

(2) No license is required of service dogs as the term is defined in Article 7 of the Agriculture and Markets Law, or successor law. The person owning, possessing or harboring such a dog bears the burden of demonstrating to the satisfaction of the Town Clerk that the dog is a service dog and exempt from licensing.

(3) No license is required of a dog confined to a public or private hospital devoted solely to the treatment of sick animals, or confined for the purpose of research by any college or other educational or research institution.

§78-11. Application for a license.

(A) Applications for a license or a renewal thereof shall be accompanied by a non-refundable processing fee of eight dollars and fifty cents (\$8.50) for an altered dog and eighteen dollars and fifty cents (\$18.50) for an unaltered dog. A senior citizen discount of five (\$5.00) dollars shall be applicable to the base fee upon proper proof. A portion of the fee shall be paid over to the agency designated pursuant to Article 7 of the Agriculture and Markets Law to be used for animal population control efforts. An application for a license or renewal shall be in the form prescribed by the Huntington Town Clerk and shall provide for the following minimum information:

- (1) The name, residence address and telephone number of each owner; and
- (2) The name, sex, approximate age, breed, color, markings and other identifying details of the dog; and
- (3) State whether the dog has been spayed or neutered; and

(4) Such other information or documentation deemed necessary by the Town Clerk to effectuate the purpose of this chapter.

(B) Rabies certification. The application for a license or renewal shall be accompanied by a statement certified by a licensed veterinarian showing that the dog has received the rabies vaccine; or, in lieu thereof, a statement certified by a licensed veterinarian that because of the dog's age or other reason, the life of the dog would be endangered by the administration of the vaccine.

(C) In the case of an altered dog, every application shall be accompanied by a certificate signed by a licensed veterinarian or a sworn affidavit signed by the owner in the form acceptable to the Town Clerk showing that the dog has been spayed or neutered, except that such certificate or affidavit is not required if same is already on file with the Town Clerk. In lieu of the spay or neuter certificate an owner may present a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as an altered dog.

(D) No individual under the age of eighteen (18) years shall be deemed an owner of record and be issued a dog license.

§78-12. Issuance of license; identification tag.

(A) Upon validation by the Town Clerk or authorized dog control officer, a dog license shall be issued and a record of its issuance retained in the office of the Town Clerk. Such record shall be made available upon request to the State Commissioner of Agriculture and Markets, or successor thereof.

(B) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately apply for a new license for the dog. A license can not be transferred to another dog.

(C) Identification tag.

(1) The Town Clerk shall assign an identification number to a dog when it is first licensed. Such identification number shall be carried by the dog on an identification tag which shall be affixed to the collar of the dog at all times, except that the tag is not required to be worn while the dog is participating in a dog show.

(2) No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which the number has been assigned.

(3) Any person wishing to replace a tag previously issued shall pay the sum of three (\$3) dollars to the Town Clerk for a replacement tag.

§78-13. Term of license and renewals. All licenses issued pursuant to this article, and any renewal thereof, shall expire on the last day of the last month of the period for which they are issued, except that no license or renewal shall be issued for a period expiring after the last day of the eleventh month following the expiration date of the current rabies certificate for the dog being licensed. In the event an applicant for a license or renewal presents a statement certified by a licensed veterinarian, in lieu of a rabies certificate, then the license or renewal may be issued for one (1) year from the date of the statement.

§78-14. Change of ownership; lost or stolen dog; death.

(A) Change in owner or address. In the event of a change in ownership of any dog which has been licensed pursuant to this chapter or change of address of the owner of record of any dog, the owner of record shall, within ten (10) days of the change, file with the Town Clerk a written notification of such change. Such owner of record shall be liable for any violation of this chapter until such filing is made or until the dog is licensed in the name of the new owner.

(B) Lost or stolen dog. If any dog which has been licensed is lost or stolen, the owner of record shall, within ten (10) days of discovery of such loss or theft, file with the Town Clerk a written notification of such event. In the case of loss or theft, the owner of record shall not be liable for any violation of this chapter committed after such notification has been made.

(C) Death of dog. In case of the death of a licensed dog, the owner of record shall notify the Town Clerk of the dog's death either before or upon receipt of a renewal notice from the Town Clerk.

§78-15. [§78-8.] * * *

§78-16. [§78-9.] * * *

§78-17. [§ 78-10.] (Reserved)

§78-18. [§78-11.] Penalties for offenses.

* * *

(B) Any person or owner who [shall violate § 78-3(C)(2) of this chapter] has committed an offense against §78-5 shall be guilty of a violation and shall be held liable on conviction thereof to a fine or penalty of not less than five hundred (\$500.) dollars nor more than five thousand (\$5,000.) dollars for a conviction of a first offense; upon conviction of a second violation where the offense is committed within a period of five (5) years of the first offense, a fine of not less than one thousand (\$1,000.) dollars nor more than ten thousand (\$10,000.) dollars; and upon conviction of a third or subsequent violation where the offense is committed within a period of five (5) years of the first and second offense shall constitute a misdemeanor punishable by a fine of not less than one

thousand five-hundred dollars (\$1,500.) nor more than fifteen thousand (\$15,000.) dollars or imprisonment not to exceed six (6) months, or both.

(C) Any person committing an offense against the provisions of [§78-7(B)] §78-9 shall be guilty of a violation punishable by a fine of not more than one hundred (\$100.) dollars. In the event the subject dog is reported to have bitten a person or another domestic warm-blooded animal, said person shall be subject to an additional fine of not more than five hundred (\$500.) dollars.

(D) Any person committing an offense against the provisions of [§78-5] §78-7 shall be guilty of a violation punishable by a fine not exceeding two hundred fifty (\$250.) dollars or by imprisonment for a period not exceeding fifteen (15) days for each such infraction, or by both such fine and imprisonment.

[ARTICLE II] ARTICLE III
CATS

[§78-12.] [Findings. It is hereby declared and found that the health, welfare and safety of the inhabitants of the Town of Huntington require the regulation of rabies vaccinations of privately owned cats.]

[§78-13.] [Definitions.]

[As used in this article, the definitions set forth hereinabove in this chapter shall be applicable herein.]

§78-19. [§78-14.]

*

[§78-15.] [Rabies vaccination required.]

[A.] [Any person owning, possessing or harboring a cat six (6) months of age or over in the Town of Huntington shall be required to have said cat vaccinated to prevent the spread of rabies.]

[B] [Subsection A shall not apply to cats brought into the Town for a period not to exceed fifteen (15) days; cats confined to the premises of an incorporated society devoted to the care of lost, stray or homeless animals; cats confined to the premises of public or private hospitals devoted to the treatment of sick animals; cats confined to the premises of educational or research institutions for the purpose of research; or cats confined to the premises of a person licensed as a Class A dealer under the Federal Laboratory Animal Welfare Act engaged in the business of breeding or raising cats for profit.]

[C.] [Subsection A shall not apply to any cat whose health would be adversely affected by a rabies vaccination, provided that a written statement certified by a duly licensed veterinarian specifying such condition is presented to the Town animal shelter supervisor.]

[D] [Any person owning, possessing or harboring a cat who willfully fails or refuses to submit said cat for vaccination within ten (10) days after a request by an Animal Control Officer, peace officer, police officer or health officer shall be subject to the penalties provided in this article.]

§78-20. Rabies vaccination required.

(A) Any person owning, possessing or harboring a cat six (4) months of age or over in the Town of Huntington shall be required to have the cat vaccinated to prevent the spread of rabies, except that a rabies vaccine is not required as follows:

(1) To a cat brought into the Town for a period not to exceed fifteen (15) days; cats in the custody of an incorporated society devoted to the care of lost, stray or homeless animals; cats confined to public or private hospitals devoted to the treatment of sick animals; and cats confined to educational or research institutions for the purpose of research

(2) To a cat whose health would be adversely affected by a rabies vaccination, provided that a written statement, certified by a duly licensed veterinarian, specifying such condition is presented to the Animal Control Officer or the Town Clerk.

(B) Any person owning, possessing or harboring a cat who fails or refuses to submit the cat for vaccination within ten (10) days after a request by an Animal Control Officer, peace officer, police officer or health officer shall be in violation of this chapter.

§78-21. (Reserved)

§78-22. [§78-16.] * * *

§78-23. [§78-17.] * * *

[ARTICLE III] ARTICLE IV
PIGEONS, CHICKENS AND DUCKS

§78-24. [§78-18.] * * *

§78-25. [§78-19.] * * *

§78-26. [§78-20.] * * *

§78-27. [§78-21.] (Reserved)

§78-28. [§78-22.] (Reserved)

§78-29. [§78-23.]

* * *

[ARTICLE IV] ARTICLE V
PROHIBITED ANIMALS

[§78-24.] [Legislative Intent. It is the intent of this Article to protect the health, welfare and safety of the inhabitants of the Town of Huntington by prohibiting the ownership, possession, harboring and maintenance of certain wild and dangerous animals.]

§78-30. [§78-25.]

* * *

§78-31. [§78-26.] (Reserved)

§78-32. [§78-27.] (Reserved)

§78-33. [§78-28.]

* * *

§78-34. [§78-29.]

* * *

[ARTICLE V] ARTICLE VI
DISPOSAL OF DEAD ANIMALS

[§78-30.] [Intent.]

[It is the intent of this article to control and regulate the disposal of all remains of dead animals and biological tissue waste by cremation for reasons of protecting the public health and the environment.]

§78-35. [§78-31.] Disposal by cremation.

No dead animal or other biological tissue shall be disposed of in the Town of Huntington by any means other than cremation in an approved facility. All cremation shall be performed at the crematorium owned and operated by the Town of Huntington or at licensed facilities providing equal crematory services.

§78-36. [§78-32.] Transportation of dead animals.

The commercial transport of [such] dead animals or biological tissue waste within the Town of Huntington shall be conducted according to the following standards:

* * *

§78-37. [§78-33.] Fees.

* * *

[(C)] [A local license fee of five (\$5.) dollars shall be paid in addition to the New York State dog license fee. Senior citizens of the Town of Huntington shall be exempt from said fee, provided that they are the owner of the animal.]

2010 - 6/6

C [(D)] The Director of Public Safety [shall] may, from time to time, recommend changes in the fees to the Town Board [as may be necessary, which will be adopted only after a public hearing is held upon proper notice].

§78-38. [§78-34.]

*

*

*

§78-39. (Reserved).

§78-40. [§78-35.] Penalties for offenses.

[A.] [Except as otherwise provided in this article, any] Any person committing an offense against any provision of this article shall be guilty of a violation punishable by a fine of up to five hundred (\$500.) dollars for the first offense, not less than two hundred and fifty (\$250.) dollars nor more than one thousand (\$1,000.) dollars for the second offense, and not less than seven hundred and fifty (\$750.) dollars nor more than two thousand five hundred (\$2,500.) dollars for the third and subsequent offense committed within eighteen (18) months of the first offense.

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section, or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date.

This local law shall take effect upon filing in the Office of the Secretary of the State of New York and shall not be implemented before January 1, 2011.

ADDITIONS ARE INDICATED BY UNDERLINE
*** INDICATES NO CHANGE TO PRESENT TEXT
DELETIONS ARE INDICATED BY [BRACKETS]

VOTE:

AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2010 - 617

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 28-2010
AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 159
(RECREATIONAL FACILITIES), ARTICLE II (USE REGULATIONS AND
RESTRICTIONS)

Resolution for Town Board Meeting dated: December 14, 2010

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILMAN MAYOKA**

THE TOWN BOARD having held a public hearing on the 4th day of November, 2010 at
7:00 p.m. to consider adopting Local Law Introductory No. 28-2010 amending the Code
of the Town of Huntington, Chapter 159 (Recreational Facilities), Article II (Use
Regulations and Restrictions), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 28-2010 amending the Code of the Town of Huntington,
Chapter 159 (Recreational Facilities), Article II (Use Regulations and Restrictions), as
follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS
FOLLOWS:

LOCAL LAW NO. 31- 2010
AMENDING THE CODE OF THE TOWN OF HUNTINGTON,
CHAPTER 159 (RECREATIONAL FACILITIES)
ARTICLE II (USE REGULATIONS AND RESTRICTIONS)

Section 1. Chapter 159 (Recreational Facilities), Article II (Use Regulations and
Restrictions) of the Huntington Town Code is hereby amended, as follows:

CHAPTER 159
RECREATIONAL FACILITIES

* * *

ARTICLE II
USE REGULATIONS AND RESTRICTIONS

* * *

§159-20. Behavior and conduct.

No person shall:

* * *

- D. Except as provided in [§78-3(C)] §78-4 of the Code of the Town of Huntington,
bring a dog or other domestic animal into areas other than automobile parking
concourses and paved walks immediately adjacent thereto. All dogs and domestic

2010 - 617

animals in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than four (4) feet in length and shall not run at large. Dog waste must be immediately collected and removed by the owner or person in charge of the dog.

* * *

P. Violate the rules and regulations set forth in §159-21(A) and (B).

* * *

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section, or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

ADDITIONS ARE INDICATED BY UNDERLINE
*** INDICATES NO CHANGE TO PRESENT TEXT
DELETIONS ARE INDICATED BY [BRACKETS]

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2010- 618

ENACTMENT: APPROVE THE ISSUANCE OF A CERTIFICATE OF APPROVAL
IN A HISTORIC DISTRICT
RE: 28 EAST CARVER STREET – OLD HUNTINGTON VILLAGE HISTORIC
DISTRICT

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD

HAVING HELD A PUBLIC HEARING on the 4th day of November, 2010, pursuant to Section 198-41 of the code of the Town of Huntington, to consider the application of Paul Ehrlich, 28 East Carver St, Huntington, NY 11743 for a Certificate of Approval to construct a first floor addition to relocate study room and bathroom; add a new mud room with rear entry steps; erect two 5' x 5' attic dormers, attic to remain unfinished; located at 28 East Carver Street, Huntington, NY 11743, bearing Suffolk County Tax Map #0400-096.00-01.00-022.000, and located in the Old Huntington Village Historic District; and upon all the information presented on the application at the public hearing and due deliberation having been had,

HEREBY APPROVES the aforesaid application of Paul Ehrlich for a Certificate of Approval.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010- 619

ENACTMENT: APPROVE THE ISSUANCE OF A CERTIFICATE OF APPROVAL
IN A HISTORIC DISTRICT

RE: 45 EAST MAIN STREET – OLD HUNTINGTON GREEN HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILWOMAN JACKSON**

THE TOWN BOARD

HAVING HELD A PUBLIC HEARING on the 4th day of November, 2010, pursuant to Section 198-41 of the code of the Town of Huntington, to consider the application of Paul Homer, 45 East Main Street, Huntington, NY 11743 for a Certificate of Approval to construct a 16' x 40' below ground vinyl swimming pool at the rear of the property; located at 45 East Main Street, Huntington, NY 11743, bearing Suffolk County Tax Map #0400-074.00-03.00-031.007, and located in the Old Huntington Green Historic District; and upon all the information presented on the application at the public hearing and due deliberation having been had,

HEREBY APPROVES the aforesaid application of Paul Homer for a Certificate of Approval.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010- 620

ENACTMENT: APPROVE THE ISSUANCE OF A CERTIFICATE OF APPROVAL
IN AN HISTORIC DISTRICT
RE: 84 MAIN STREET – COLD SPRING HARBOR HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILMAN MAYOKA**

and seconded by: **COUNCILMAN CUTHBERTSON**

THE TOWN BOARD

HAVING HELD A PUBLIC HEARING on the 4th day of November, 2010, pursuant to Section 198-41 of the code of the Town of Huntington, to consider the application of Tom Hogan, Cold Spring Harbor Realty LLC, Owner, 84 Main Street, Cold Spring Harbor, NY 11724 for a Certificate of Approval to construct a foundation for display of a restored cupola at the rear of the building at 84 Main Street, Cold Spring Harbor, NY 11724, bearing Suffolk County Tax Map #0400-63.00-03.00-026.000, and located in the Cold Spring Harbor Historic District; and upon all the information presented on the application at the public hearing and due deliberation having been had,

HEREBY APPROVES the aforesaid application of Tom Hogan, Owner, for a Certificate of Approval.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010- 621

ENACTMENT: APPROVE THE ISSUANCE OF A CERTIFICATE OF APPROVAL
IN AN HISTORIC DISTRICT

RE: 445 MAIN STREET -- COLD SPRING HARBOR HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILMAN MAYOKA**

and seconded by: **COUNCILWOMAN BERLAND**

THE TOWN BOARD

HAVING HELD A PUBLIC HEARING on the 4th day of November, 2010, pursuant to Section 198-41 of the code of the Town of Huntington, to consider the application of Peter Como, Owner, 445 Main Street, Cold Spring Harbor, NY 11724 for a Certificate of Approval to convert the side portion of existing covered porch for addition of a first floor bath and laundry room in a one family dwelling located at 445 Main Street, Cold Spring Harbor, NY 11724, bearing Suffolk County Tax Map #0400-17.00-02.00-029.000, and located in the Cold Spring Harbor Historic District; and upon all the information presented on the application at the public hearing and due deliberation having been had,

HEREBY APPROVES the aforesaid application of Peter Como, Owner, for a Certificate of Approval.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010-622

ENACTMENT: APPROVE THE ISSUANCE OF A SPECIAL USE PERMIT UNDER
CHAPTER 137 (MARINE CONSERVATION LAW)
APPLICANT: PATRICIA & MILAN NEMES
LOCATION: 107 EAST NECK RD., HUNTINGTON, NEW YORK
S.C.T.M. #: 0400-036.00-01.00-004.001

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN BERLAND,**
COUNCILWOMAN JACKSON

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, pursuant to Chapter 137, the Marine Conservation Law of the Town of
Huntington, an application for a special use permit has been submitted by

Patricia Nemes of
107 East Neck Rd.
Huntington, N.Y. 11743-1567

to construct 475.0 linear ft. of composite inter-locking sheet-style bulkhead (within 3.0
feet seaward of existing concrete bulkhead) w/ 10 ft. return on each side of property and
back fill w/ approximately 2000 cu. yards of clean fill. Construction area is to be access
via sea-barge at 107 East Neck Rd., Huntington, N.Y. 11743 S.C.T.M.# 0400-036.00-
01.00-004.001

WHEREAS, this action is classified as an unlisted action pursuant to the State
Environmental Quality Review Act (SEQRA) and the Town Board has been established
as lead agency for this action; and

WHEREAS, upon review of the Environmental Assessment Form, submitted by the
applicant, and by the SEQRA review prepared by the Town Department of Maritime
Services, it has been determined that no potentially adverse environmental impacts are
posed by the pending action, providing the conditions requested by the Department of
Maritime Services are adhered to.

NOW, THEREFORE

THE BOARD OF TRUSTEES, having held a public hearing on the 14th day of December
2010, to consider the issuance of a special use permit to Patricia Nemes to construct 475.0
linear ft. of composite inter-locking sheet-style bulkhead (within 3.0 feet seaward of
existing concrete bulkhead) w/ 10 ft. return on each side of property and back fill w/
approximately 2000 cu. yards of clean fill. Construction area is to be access via sea-barge
at 107 East Neck Rd., Huntington, N.Y. 11743 S.C.T.M.# 0400-036.00-01.00-004.001;
and due deliberation being had;

2010-622

HEREBY RESOLVES, that based upon the review of the Environmental Assessment Form (EAF), submitted by the applicant, and the SEQRA review prepared by the Town Department of Maritime Services, the issuance of the permit does not pose a significant adverse environmental impact, provided that the conditions requested by the Department of Maritime Services are adhered to, and hereby issues a negative declaration; and

HEREBY APPROVES the issuance of a Special Use Permit under Chapter 137 of the Code of the Town of Huntington, Patricia Nemes to construct 475.0 linear ft. of composite inter-locking sheet-style bulkhead (within 3.0 feet seaward of existing concrete bulkhead) w/ 10 ft. return on each side of property and back fill w/ approximately 2000 cu. yards of clean fill. Construction area is to be access via sea-barge at 107 East Neck Rd., Huntington, N.Y. 11743 S.C.T.M.# 0400-036.00-01.00-004.001: subject to the following conditions:

- 1) Applicant must notify the Dept. of Engineering Services, Dept. Of Maritime Services and the Harbor Master's office 48 hours prior to the commencement of any construction/demolition activities. Notification shall be in writing to each department at 100 Main St., Town Hall, Huntington, N.Y. 11743 and separate facsimile transmissions at (631) 351-3373, (631) 351-3132 and (631) 425-0621
- 2) All construction equipment, vehicles and materials shall access the project site via a sea barge. No construction equipment, vehicles or material deliveries shall transverse adjacent properties nor access the beach/shoreline via Town of Huntington property.
- 3) All activities must be conducted in conformance with the approved construction plans and the issued New York State-DEC Tidal Wetlands Permit and associated approved plans.
- 4) All work on the seaward side of the wall must be completed during periods of low tide to eliminate any potential for turbidity to impact the waterway.
- 5) All construction equipment, vehicles and materials must be stored on the sea barge and/or upland of any tidal/inter-tidal wetlands areas.
- 6) All construction activity will be maintained on the applicant's own parcel and no trespass upon neighboring properties will result from this project.
- 7) All necessary precautions shall be taken to preclude contamination of wetlands or waterways by construction debris, suspended solids, sediments, fuel, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with this project.
- 8) There will be no disturbance to the vegetated tidal wetlands or protected areas as a

result of the proposed activity.

- 9) Upon the completion of the activity, all construction debris shall be removed from the site and property disposed of at a state approved disposal area.
- 10) All required Town of Huntington inspections are scheduled at appropriated intervals during the course of demolition/construction.
- 11) All fill shall be "clean" sand free of asphalt, concrete or any other construction debris.
- 12) The applicant is responsible for obtaining and adhering to all necessary Federal, State and locale permits.
- 13) The applicant, owner and their duly authorized representatives (such as contractors, sub-contractors and work-force) are required to adhere to the construction plans, methodology and/or terms/conditions approved by the Town of Huntington, Dept. of Engineering Services, Dept. Of Maritime Services and the Town Attorneys Office. Any modification or deviation from the approved plans, methodology and/or terms/conditions as included in the issued permit must be approved by the Town of Huntington prior to the commencement of activities.
- 14) Upon completion of the project the applicant must notify the Dept. of Engineering Services and the Dept. Of Maritime Services in writing to each department at 100 Main St., Town Hall, Huntington, N.Y. 11743

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010-623

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NUMBER 31 -2010, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, DECLARING A NINETY-DAY MORATORIUM ON THE ISSUANCE OF APPROVALS, GRANTS AND/OR CONDITIONAL USE PERMITS BY TOWN AGENICES RE: WIRELESS COMMUNICATION FACILITIES, TRANSMISSION AND/OR RECEPTION ANTENNA AND/OR TOWERS.

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: Councilwoman Jackson

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town of Huntington regulates the siting of wireless communications facilities and cell towers as special permits authorized by the Zoning Board of Appeals pursuant to the Code of the Town of Huntington, Chapter 198, Zoning, Article XI, Conditional Uses; Supplementary Regulation, Section 198-68, Uses permitted by Board of Appeals; and

WHEREAS, Section 198-68 of the Town Code sets forth specific regulations establishing standards for safe provision of wireless communications facilities consistent with applicable federal and state laws to protect the health, safety and welfare of the residents of the Town; and

WHEREAS, the Code of the Town of Huntington has not been updated since 2003 with respect to the location of wireless communications facilities; and

WHEREAS, the wireless communications industry is characterized by the rapid development of new technologies that in many instances may result in community impacts as they are installed at various locations throughout the Town; and

WHEREAS, it has become necessary to update Chapter 198, Section 198-68 to ensure that the Code of the Town of Huntington adequately addresses emerging industry trends with respect to the review of proposed wireless communications facilities and related improvements in consideration of new applicable Federal and/ or State laws, site planning parameters, the protection of residential areas and community institutions, public safety and the replacement of antiquated equipment and other related community concerns; and

WHEREAS, it is necessary to declare a ninety (90) day moratorium on the issuance of approvals, grants, permits and conditional use permits for the construction or installation of wireless communications facilities in order to provide the Town sufficient time to review the existing Code and implement new regulations; and

WHEREAS, the declaration of a moratorium on the issuance of approvals, grants, and/or permits by designated town agencies is a Type II action pursuant to 6 N.Y.C.R.R 617.5c(30) of the SEQRA regulations, and therefore no further SEQRA review is required.

2010-623

NOW, THEREFORE, BE IT RESOLVED THAT THE HUNTINGTON TOWN BOARD

HEREBY SCHEDULES a public hearing to consider adopting Local Law Introductory Number 31 - 2010, amending the Code of the Town of Huntington, declaring a ninety (90) day moratorium on grants, approvals and/or issuance of additional permits and/or conditional use permits regarding communication, transmission and/or reception antenna and/or towers and/or wireless facilities, in accordance with Telecommunications Act of 1996, Chapter 5, Wire or radio Communication, Subchapter II, Common Carriers, Part II, Development of Competitive Markets, to be held on the 11 day of JANUARY, 2011, at 6:00 pm, at Town Hall, 100 Main Street, Huntington, New York, at which time all persons interested in the subject thereof may be heard; and

HEREBY DIRECTS the Town Clerk to cause this Notice of Hearing to be published in the official newspapers of the Town of Huntington.

LOCAL LAW INTRODUCTORY NUMBER 31 -2010
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
DECLARING A NINETY (90) DAY MORATORIUM ON THE ISSUANCE OF
APPROVALS, GRANT, CONDITIONAL USE PERMITS, PERMITS
BY TOWN AGENCIES FOR WIRELESS TRANSMISSION FACILITIES

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS FOLLOWS:

Section 1. Amendment to the Code of the Town of Huntington for the purpose of declaring a ninety (90) day moratorium on the issuance of approvals, grants and/or permits by town agencies for grants, approvals and/or issuance of additional permits and/or conditional use permits regarding communication, transmission and/or reception antenna and/or towers and/or wireless facilities is in the public interest.

Section 2. Legislative Intent, Purpose and Findings:

- (1) The Code of the Town of Huntington has not been updated since 2003 with respect to the location of wireless communications facilities.
- (2) The wireless communications industry is characterized by the rapid development of new technologies that in many instances may result in community impacts as they are installed at various locations throughout the Town.
- (3) It has become necessary to update Chapter 198, Section 198-68 to ensure that the Code of the Town of Huntington adequately addresses emerging industry trends with respect to the review of proposed wireless communications facilities and related improvements in consideration of new applicable Federal and/ or State laws, site planning parameters, the protection of residential areas and community institutions, public safety and the replacement of antiquated equipment and other related community concerns.

2010-623

Section 3. Declaration of Moratorium. A ninety (90) day moratorium on the issuance of approvals, grants, permits and conditional use permits for the construction or installation of wireless communications facilities in order to provide the Town sufficient time to review the existing Code and implement new regulations is hereby declared.

Section 4. Severability. If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

Section 5. Effective Date. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

ADDITIONS ARE INDICATED BY UNDERLINE.

DELETIONS ARE INDICATED BY [BRACKETS].

* * * INDICATES NO CHANGE TO PRESENT TEXT.

VOTE: AYES: 4 NOES: 1 ABSENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	NO
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010-624

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 32 -2010 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 180 (TAXICABS AND VEHICLES FOR HIRE), ARTICLE III (VEHICLE REQUIREMENTS), §180-13 (VEHICLE REGULATIONS), ARTICLE V (ADMINISTRATIVE REQUIREMENTS), §180-20 (TRANSFERS UNLAWFUL), §180-21 (EXPIRATIONS AND RENEWALS), AND ARTICLE VIII (FEES, PENALTIES AND MISCELLANEOUS PROVISIONS), §180-36 (FEES)

Resolution for Town Board Meeting dated: December 14, 2010

The following resolution was offered by: Councilwoman Berland

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, local Huntington taxicab companies have expressed interest in providing advertising space atop their taxicabs; and

WHEREAS, the sale of such advertising space purports to help increase revenues for the transportation companies without cost to the public which in turn helps to maintain a reasonable cost of transportation to the public; and

WHEREAS, to allow car top advertising by taxicabs licensed in the Town of Huntington will necessitate a code amendment; and

WHEREAS, scheduling a public hearing to consider amending the Code of the Town of Huntington is not an action pursuant to SEQRA and therefore requires no further action pursuant to SEQRA; and

NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby schedules a public hearing to consider adopting Local Law Introductory No.: 32 -2010, amending the Code of the Town of Huntington, Chapter 180, (Taxicabs and Vehicles for Hire), Article III (Vehicle Requirements), §180-13 (Vehicle Regulations), Article V (Administrative Requirements), §180-20 (Transfers unlawful), §180-21 (Expirations and renewals) and Article VIII (Fees, Penalties and Miscellaneous Provisions), §180-36 (Fees) to be held on the 11TH day of JANUARY 2011, at 6:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, at which time all persons interested in the subject thereof may be heard.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS FOLLOWS:

2010 - 624

LOCAL LAW INTRODUCTORY NO. 32-2010
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 180 (TAXICABS AND VEHICLES FOR HIRE),
ARTICLE III (VEHICLE REQUIREMENTS),

§180-13 (VEHICLE REGULATIONS),
ARTICLE V (ADMINISTRATIVE REQUIREMENTS), §180-20 (TRANSFERS
UNLAWFUL), §180-21 (EXPIRATIONS AND RENEWALS) AND
ARTICLE VIII (FEES, PENALTIES AND MISCELLANEOUS PROVISIONS),
§180-36 (FEES)

Section 1. Chapter 180 (Taxicabs and Vehicles for Hire), Article III (Vehicle Requirements), §180-13 (Vehicle Regulations) of the Code of the Town of Huntington is hereby amended, as follows:

CHAPTER 180
TAXICABS AND VEHICLES FOR HIRE

* * *

ARTICLE III – VEHICLE REQUIREMENTS

* * *

§180-13. Vehicle Regulations:

* * *

- J. Car top Advertising. Each vehicle used as a taxicab, may, upon annual application to the Town Clerk, be equipped with a car top advertising device no greater in size than forty-nine (49) inches long by fifteen (15) inches high.

* * *

ARTICLE V – ADMINISTRATIVE REQUIREMENTS

§180-20. Transfers unlawful.

It is unlawful for any person to transfer or assign any license, car top advertising device, certificate or permit, or the identification device therefore, issued under the provisions of this chapter, to any other person or from one vehicle to another.

§180-21. Expirations and renewals.

- A. Expirations. All licenses, certificates with or without provision for car top advertising device and permits issued hereunder shall expire at 12:00 midnight on the first day of May next following the date of issuance.

* * *

ARTICLE VIII – FEES, PENALTIES AND MISCELLANEOUS PROVISIONS

§180-36. Fees.

- A. Regular fees. The following fees shall be collected by the Town Clerk at the time applications are presented for issuance, replacement, substitution, processing, waiver or hearing:

* * *

- (7) For a car top advertising device: fifty (\$50) dollars.

Section 2. Severability.

If any clause, sentence paragraph, subdivisions, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

Section 3. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of Secretary of State of the State of New York.

ADDITIONS ARE INDICATED BY UNDERLINE
 DELETIONS ARE INDICATED BY [BRACKETS]
 * * * INDICATES NO CHANGE IN PRESENT TEXT

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AWARDING
A LICENSE AGREEMENT TO OPERATE A PRO SHOP SERVICE AT DIX HILLS
PARK TWIN ICE RINKS.

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **SUPERVISOR PETRONE**

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town Department of Parks and Recreation wishes to engage the services of a qualified licensee to provide pro shop concession services for the Town's Dix Hills Park Twin Ice Rink facility. These services will include but are not limited to skate sharpening, sales of hockey equipment, figure skating equipment and sales of related accessories and apparel; and

WHEREAS, requests for proposals were received on November 19, 2010, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for pro shop services at Dix Hills Park Twin Ice Rinks, RFP No. 2010-11-014 and the same were opened and read aloud; and

WHEREAS, scheduling a public hearing to consider a license agreement is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and therefore no further SEQRA review is required.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 11th day of January, 2011 at 6:00 P.M. at Huntington Town Hall, 100 Main Street Huntington, New York to consider awarding a license agreement for pro shop services at Dix Hills Park Twin Ice Rinks to NY Islanders Iceworks, 175 Underhill Blvd., Syosset, New York 11791 for a period of five (5) years commencing upon contract execution, with one five (5) year extension upon the mutual consent of both parties; in consideration for the payment of the following by the New York Islanders Iceworks: years 1 & 2 - \$900.00 per month; year 3 - \$1,000.00 per month; year 4 - \$1,100.00 per month; year 5 - \$1,200 per month; and if the contract is renewed, then years 6 & 7 - \$1,300.00; years 8 & 9 - \$1,400.00 per month; year 10 - \$1,500.00 per month, and upon such other terms and conditions as may be acceptable to the Town Attorney

VOTE: AYES: 4 NOES: 1 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	NO
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010-626

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER THE ISSUANCE OF A
SPECIAL USE PERMIT UNDER CHAPTER 137 (MARINE CONSERVATION)

APPLICANT: PAMELA J. VOGT

LOCATION: 161 OLD WINKLE POINT RD., NORTHPORT, N.Y.

S.C.T.M. #: 0400-005.00-03.00-004.002

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, pursuant to Chapter 137, the Marine Conservation Law of the Town of Huntington, an application for a special use permit has been submitted by

NSEW Consulting

On behalf of

Pamela Vogt

161 Old Winkle Point Rd.

Northport, N.Y. 11768

to construct a 10 ft wide by 125 ft long 3 ft to 5 ft high tapered rock revetment consisting of two (2) rows of ½ ton to 1 ½ ton rocks placed on filter fabric to act as an erosion barrier at 161 Old Winkle Point Rd., Northport, 11768 S.C.T.M. # 400-005.00-003.00-004.002

WHEREAS, the scheduling of a public hearing is not an action as defined by 6 NYCRR §617.2(b) and therefore no further SEQRA review is required at this time for the scheduling said public hearing.

NOW, THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the **11TH** day of **JANUARY**, 2011, at **6:00** pm at Town Hall, 100 Main Street, Huntington, New York 11743, to consider the issuance of a special use permit to Pamela J. Vogt to construct a 10 ft wide by 125 ft long 3 ft to 5 ft high tapered rock revetment consisting of two (2) rows of ½ ton to 1 ½ ton rocks placed on filter fabric to act as an erosion barrier at 161 Old Winkle Point Rd., Northport, 11768 S.C.T.M. # 400-005.00-003.00-004.002

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

President Frank P. Petrone

AYE

Trustee Susan A. Berland

AYE

Trustee Mark A. Cuthbertson

AYE

Trustee Glenda A. Jackson

AYE

Trustee Mark Mayoka

AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDING
THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2,
ARTICLE II, §2-2, SCHEDULE B.

RE: ELWOOD ROAD, NO TURN ON RED

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **SUPERVISOR PETRONE**

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, amendments to the Uniform Traffic Code of the Town of Huntington regarding parking restrictions are classified as Type II actions pursuant to SEQRA, 6 N.Y.C.R.R. §617.5 (c)16(c)(20) and (c)27, and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the 11th day of January, 2011, at **6:00p.m.** at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Uniform Traffic Code of the Town of Huntington, as follows:

Under Chapter 2, Traffic Regulations; Article II, Turning Movements; §2-2, Turns On Red Signals; Schedule B.

	<u>CONTROLLING TRAFFIC ON</u>	<u>DIRECTION OF TRAVEL</u>	<u>TURNING RIGHT TO</u>	<u>HOURS/ DAYS</u>
ADD:	Elwood Road (ENP)	South	Pulaski Road	7:00 a.m. to 6:00 p.m., school days

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2010-628

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDING
THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2,
ARTICLE IV, §2-7, SCHEDULE G
RE: ROYAL LANE – STOP SIGN

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN JACKSON**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, an amendment to the Uniform Traffic Code of the Town of Huntington regarding stop signs is a TYPE II action pursuant to SEQRA, 6 N.Y.C.R.R. §617.5 (c)(16) (c)20 and (c)27, and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the 11th day of January, 2011 at 6:00p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Uniform Traffic Code of the Town of Huntington, as follows:

Under Chapter 2, Traffic Regulations; Article IV, Stop and Yield Intersections, §2-7, Stop and Yield Intersections Designated; Schedule G.

	<u>SIGN ON</u>	<u>SIGN</u>	<u>DIRECTION</u> <u>OF TRAVEL</u>	<u>AT</u> <u>INTERSECTION OF:</u>
ADD:	Royal Lane (DXL)	STOP	NORTH	Majestic Drive

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark L. Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010-629

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDING
THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3,
ARTICLE II, §3-3, SCHEDULE J.

RE: LONGFELLOW AVENUE, NO PARKING RESTRICTION

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN JACKSON**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, amendments to the Uniform Traffic Code of the Town of Huntington regarding parking restrictions are classified as Type II actions pursuant to SEQRA, 6 N.Y.C.R.R. §617.5 (c)16(c)(20) and (c)27, and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the 11th day of January, 2011, at 6:00p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Uniform Traffic Code of the Town of Huntington, as follows:

Under Chapter 3, Parking Regulations; Article II, Parking, Standing and Stopping Regulations; §3-3, Designation of Areas and Restrictions; Schedule J.

	<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
ADD:	Longfellow Avenue/east From 390 feet north of Shelley Place north for 100 feet (HUS)	No Parking	-----

VOTE: AYES: 5 NOES: 0 ABSTENTIONS:0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2010- 630

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDING
THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2,
ARTICLE I, §2-1, SCHEDULE A

RE: TRAFFIC SIGNAL-CENTERPORT ROAD (CR86)/BLENHEIM LANE (SOUTH)

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **SUPERVISOR PETRONE**

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, amendments to the Uniform Traffic Code of the Town of Huntington regarding traffic control signals and turns on red signals are classified as Type II actions pursuant to SEQRA, 6 N.Y.C.R.R. §617.5 (c)16(c)(20) and (c)27, and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the 11th day of January, 2011, at 6:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Uniform Traffic Code of the Town of Huntington, as follows:

Under Chapter 2, Traffic Regulations; Article I, Traffic Control Signals; §2-1 Installation of Traffic Control Signals; Schedule A.

	<u>LOCATION</u>	<u>DESCRIPTION OF SIGNAL</u>
ADD:	Centerport Rd. (CR86)/Blenheim Ln. (south) (CPT)	Semi-traffic-actuated

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2010-631

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A
CERTIFICATE OF APPROVAL IN AN HISTORIC DISTRICT
RE: 2 COUNTRY MEADOW COURT, MELVILLE - SWEET HOLLOW HISTORIC
DISTRICT

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN JACKSON**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, two applications were submitted to the Town Board of the Town of Huntington by Joseph and Jody Murawski, 2 Country Meadow Court, Melville, NY 11747, for a Certificate of Approval for: 1) alterations to repair historic garage/barn damaged by fire; and 2) removal of existing foundation, construction of new foundation, preservation & relocation of surviving section of historic dwelling (18' x 21') by attachment to new 2-story, one-family dwelling located at 2 Country Meadow Court, Melville, NY 11747, in accordance with plans dated Dec. 2, 2010 pursuant to regulations for historic districts, buildings and landmarks, Chapter 198, Article VI of the Code of the Town of Huntington, and

WHEREAS, said premises is located in the Sweet Hollow Historic District and bears Suffolk County Tax Map #0400-256.00-01.00-019.010, and

WHEREAS, the issuance of a Certificate of Approval in an historic district is a Type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(9) and, therefore no further SEQRA review is required.

NOW, THEREFORE, PURSUANT to Section 198-41 of the Code of the Town of Huntington,

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the **11TH** day of **JANUARY**, 2011, at **6:00 p.m.** at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid applications of Joseph and Jody Murawski.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010 - 632

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING
LOCAL LAW INTRODUCTORY NO. 33 -2010, AMENDING THE
CODE OF THE TOWN OF HUNTINGTON, CHAPTER 120 (HARBORS AND
WATERWAYS), ARTICLE I (REGULATIONS AND RESTRICTIONS)

Resolution for Town Board Meeting Dated: December 14, 2010

The following Resolution was offered by: **COUNCILWOMAN JACKSON**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town Board desires to amend the Code of the Town of Huntington in order to establish fees for the impound of vessels, floats and moorings; and

WHEREAS, pursuant to §617.5(c) 20 and 27 of SEQRA amending the Code of the Town of Huntington to establish fees is a Type II, and therefore, this proposed action requires no further review pursuant to SEQRA.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 11TH day of January, 2011 at
6:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider
adopting Local Law Introductory No.: 33 -2010, amending the Code of the Town of
Huntington, Chapter 120 (Harbors and Waterways), Article I (Regulations and
Restrictions); as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS
FOLLOWS:

LOCAL LAW INTRODUCTORY NO. 33 - 2010
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 120 (HARBORS AND WATERWAYS)
ARTICLE I (REGULATIONS AND RESTRICTIONS)

Section 1. Chapter 120 (Harbors and Waterways) Article I (Regulations and
Restrictions) of the Huntington Town Code is hereby amended as follows:

CHAPTER 120
HARBORS AND WATERWAYS

ARTICLE I
REGULATIONS AND RESTRICTIONS

* * *

§120-2. Definitions. As used in this article, the following words shall have the meanings indicated:

* * *

PERSON-IN-CHARGE --Any person who is not the owner but who is using, or is in custody, possession, in charge of or responsible for the vessel, float, mooring, slip or other object at issue.

* * *

§120-5. Public docks and floats.

* * *

B. Special events permits.

(1) [Special event permits.] Special event permits may be issued by the Department for an event requiring the use of the public dock or float as long as the event is limited to one (1) day, and provided the owner of the vessel applies for a special event permit, pays an application fee of fifty (\$50) dollars, provides a certificate of insurance [as set forth in (B)(2) herein], and signs a hold harmless agreement in favor of the Town and the Huntington Board of Trustees. If the applicant is a charter, then the application shall be accompanied by the documents set forth in §120-18(B) together with a fifty (\$50) dollar application fee.

(2) A copy of a certificate of insurance naming the Town of Huntington and the Huntington Board of Trustees as [an] additional [insured under a Protection and Indemnity Policy] insureds by endorsement with policy limits of:

(a) Liability for personal injury, including death, sustained on [town] public property and/or occurring as a result of the conduct of the special event, five hundred thousand (\$500,000) dollars per occurrence; and

(b) [Property damage to town] Damage to public or private property [or the property of others] as a result of the use of [town] public property and/or conduct of the special event[:], five hundred thousand (\$500,000) dollars per occurrence.

* * *

[D.] E. In addition to the penalties provided herein for a violation of any of the provisions of this article, the Department of Maritime Services may cause a vessel which is tied or made fast to a public dock or float in excess of one (1) hour, or as otherwise

posted, to be removed, stored and/or secured at the expense of the owner or person in charge of such vessel. [A storage fee of five (\$5) dollars per foot as measured length overall for each day or any part thereof shall be due and payable to the Town of Huntington by the owner or person in charge of the vessel and said sum shall be fully paid by cash, certified or bank check or money order prior to the release of the vessel.]

[E.] D. In the event a vessel is disabled, the vessel may remain at such public dock or float for a period not to exceed twenty-four (24) hours with the permission of the Department of Maritime Services. At no time shall a disabled vessel be tied up or made fast to the south float "pump-out area".

* * *

§ 120-17. Unseaworthy, sunk or abandoned vessels.

* * *

E. [(1)] In the event the vessel is not removed by the owner at the expiration of seven (7) days, and neither the Suffolk County Marine Bureau nor the Suffolk County Sheriff's Office has responded or has agreed to take possession of the vessel within such period, the Department of Maritime Services shall remove and impound the vessel and photograph same. Once the vessel is impounded, the owner shall be given notice that such vessel has been impounded and is in the custody of the Department of Maritime Services, and that if the vessel is not claimed within twenty (20) days of the date of the notice, same shall be sold at public auction. The notice shall further state that the proceeds of the sale shall be used to defray the costs of providing notice to the owner and of removal, storage and sale of the vessel and its contents, and all other expenses incidental thereto. The notice shall contain the address and telephone number of the Department of Maritime Services, a description of the vessel, its name, contents and condition, the location from where it was taken and its current location.

* * *

(2) Proof of ownership in the form satisfactory to the Department of Maritime Services shall be provided prior to the release of any vessel. All costs and expenses incurred by the Town of Huntington, including but not limited to, the costs of notice to the owner and of removal, storage charges [in the sum of five (\$5) dollars per foot as measured length overall for each day or any part thereof], and all other expenses incidental thereto shall be fully paid by cash, money order, bank or certified check before a vessel will be released. The Department of Maritime Services shall maintain an accurate accounting of all costs and expenses incurred by the Town.

* * *

§120-19. Impound facilities.

(1) It shall be unlawful for any [No] person [shall] to enter an impound facility owned, maintained [and/or] or operated by the Town of Huntington without authorization, [and no person shall] or to remove, damage, or tamper with any vessel or object stored thereat [without the prior approval and/or consent of the Department of Maritime Services or other town official].

(2) It shall be unlawful for any person to destroy, damage, or tamper with an impound facility owned, maintained or operated by the Town.

* * *

§ 120-20. Town marinas.

A. Permit required.

* * *

(3) Any boat removed may be redeemed upon proof of ownership and payment of all costs of removal, storage and maintenance of the boat, together with such other expenses incurred by the Town, by cash, certified or bank check, or money order. [A fee of five (\$5) dollars per foot as measured length overall for each day or any part thereof shall be charged for any boat stored by the Town of Huntington.]

* * *

§120-21. Mooring of vessels and floats.

A. Permit required.

* * *

(4) Any vessel, float and/or mooring removed may be redeemed by the owner or person-in-charge thereof, upon proof of ownership, the presentation of a valid permit and the payment by cash, certified or bank check, or money order of all reasonable costs, including but not limited to, the costs of removal, storage and maintenance of the vessel, float and mooring. [A storage fee of five (\$5) dollars per foot as measured length overall for each day or any part thereof shall be due and payable to the Town of Huntington, and an additional fee of one (\$1) dollar per pound shall be payable by the owner for the removal of the mooring.]

* * *

H. Display of permit decals; identification of moorings.

* * *

(5) Any vessel, float and/or mooring removed may be redeemed by the owner or person in-charge thereof upon proof of ownership, the presentation of a valid permit and the payment by cash, certified or bank check, or money order of all reasonable costs, including but not limited to, the costs of removal, storage and maintenance of the vessel, float and mooring. [A storage fee of five (\$5) dollars per foot as measured length overall for each day or any part thereof shall be due and payable to the Town of Huntington, and an additional fee of one (\$1) dollar per pound shall be payable by the owner for the removal of the mooring.]

I. Regulations and restrictions.

* * *

(5) If, in the judgement of the Department of Maritime Services, a mooring, [and/or] or any part of a vessel or float being moored, is placed or located [in such manner] so as to impede or create a hazard to navigation or to another vessel or float, or is closer than fifty (50) feet of another mooring, or within fifty (50) feet of a channel marker, or within a channel, or within one hundred (100) feet of a town dock, float or ramp, or impedes the

swing of any vessel or float already moored, or for any other reason has the potential to harm life or property, then in that event, the owner [of said vessel or float] or person-in-charge thereof shall be [provided with] given three (3) days notice to remove and/or relocate the mooring, [and/or] vessel or float by the Department of Maritime Services. In the event [the owner fails and/or refuses] of the failure, neglect or refusal to take corrective action within said three (3) day period, or any extension granted by the Department, then the Department is authorized to remove and/or relocate the mooring and vessel or float at the expense of the owner. Any vessel, float [and/or] or mooring removed may be redeemed by the owner or person-in-charge thereof upon proof of ownership and the payment of all reasonable costs incurred by the Town of Huntington. [A fee of thirty-five (35) cents per pound in the event the mooring is relocated, or one (\$1) dollar per pound if the mooring is removed, and five (\$5) dollars per foot as measured length overall for each day or any part thereof a vessel or float is stored, shall be payable by cash, bank or certified check, or money order.] Failure to pay [such] the costs in full within ten (10) days of a request by the Town shall be cause for the immediate revocation of the permit by the Department of Maritime Services.

* * *

§120-25. [(Reserved)] Fees.

(A) Impound and storage fees.

(1) The owner or person-in-charge of any vessel, float or mooring impounded by the Department pursuant to this chapter shall be liable for an impound fee of one hundred (\$100) dollars per float, vessel or mooring. An impounded vessel or float shall be stored at a cost of five (\$5.00) per foot as measured length overall for each day, or part thereof, a vessel or float is stored by the Director at town facilities. Moorings shall be stored at a cost of two (\$2.00) dollars per pound. These charges shall be in addition to any other direct or incidental cost incurred by the Town. In the event it is necessary for the Director to retain the services of an outside vender to render these services the impound fee shall be payable to the Town, and the owner or person-in-charge of the vessel, float or mooring shall be liable for the costs of hauling, transportation, and storage charged by the vender.

(2) The owner or person-in-charge of a vessel, float or mooring which has been impounded shall be notified by the Department and directed to claim and remove the vessel, float or mooring from the storage facility within 24 hours of receipt of the notice. Where the vessel, float or mooring is stored at a town facility, failure to claim and remove the same within the time specified shall subject the owner or person-in-charge to a storage fee to be calculated from the expiration of the 24 hour period. Notice may be given by telephone, regular mail, or certified mail return receipt requested, and addressed to the last known address of the owner or person-in-charge, or through any other method deemed reasonable or necessary by the Director.

- (B) Relocation of moorings. A fee of fifty cents per pound in the event the mooring is relocated.

* * *

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section, or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

ADDITIONS ARE INDICATED BY UNDERLINE

*** INDICATES NO CHANGE TO PRESENT TEXT

DELETIONS ARE INDICATED BY [BRACKETS]

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2010 - 633

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING
LOCAL LAW INTRODUCTORY NO. 34 -2010 AMENDING THE CODE OF
THE TOWN OF HUNTINGTON, CHAPTER 159 (RECREATIONAL FACILITIES),
ARTICLE II (USE REGULATIONS AND RESTRICTIONS)

Resolution for Town Board Meeting Dated: December 14, 2010

The following Resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, it is the intention of the Huntington Town Board to consolidate code provisions and facilitate references to fees established by the Town Board; and

WHEREAS, pursuant to §617.5(c) 20 and 27 of SEQRA amending the Code of the Town of Huntington to establish fees is a Type II, and therefore, this proposed action requires no further review pursuant to SEQRA.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the 11TH day of JANUARY, 2011 at 6:00PM at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 34 -2010, amending the Code of the Town of Huntington, Chapter 159 (Recreational Facilities), Article II (Use Regulations and Restrictions), as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS FOLLOWS:

LOCAL LAW INTRODUCTORY NO. 34 - 2010
AMENDING THE CODE OF THE TOWN OF HUNTINGTON,
CHAPTER 159 (RECREATIONAL FACILITIES)
ARTICLE II (USE REGULATIONS AND RESTRICTIONS)

Section 1. Chapter 159 (Recreational Facilities), Article II (Use Regulations and Restrictions) of the Huntington Town Code is hereby amended, as follows:

CHAPTER 159
RECREATIONAL FACILITIES

* * *

ARTICLE II
USE REGULATIONS AND RESTRICTIONS

* * *

§159-13. Dinghy and kayak storage.

* * *

B. It shall be [a violation] unlawful for a person to place any dinghy, kayak or other [craft] vessel on a dinghy rack without first having obtained a permit; or, having secured a permit, [placed] place a dinghy, kayak or other vessel on the rack without having affixed the permit decal to the vessel. Such vessel shall be impounded by the Department of Maritime Services, in accordance with the procedures established for abandoned and unseaworthy vessels in [§ 120-17 of the Huntington Town Code] Chapter 120. In all cases an impound fee [of fifty (\$50) dollars], and the actual cost of providing notice to the owner, removal charges, storage fees, [of five (\$5) dollars per foot per day,] and other expenses incurred by the Town pursuant to Chapter 120 shall be [borne] paid by the owner or person-in-charge of the vessel before the vessel is released, and if the owner is not found, the expenses shall be paid out of the proceeds of the public auction.

* * *

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section, or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

ADDITIONS ARE INDICATED BY UNDERLINE

*** INDICATES NO CHANGE TO PRESENT TEXT

DELETIONS ARE INDICATED BY [BRACKETS]

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2010 -634

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 35 -2010, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, SO AS TO ADD SUBSECTION D TO SECTION 174-3 OF CHAPTER 174 (LIABILITY OF TOWN)

Resolution for Town Board Meeting dated: December 14, 2010

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington desires to decrease potential liability for damages or injuries incurred due to potholes and other defects on its roadways caused by the weather conditions and travel conditions not under the control of the Town and when it is difficult to make repairs to its roadway within a reasonable period of time; and

WHEREAS, the Town Board has determined that amending the Code of the Town of Huntington to limit the Town's liability is beneficial to the taxpayers of the Town; and

WHEREAS, scheduling a public hearing to consider amending the Code of the Town of Huntington so as to add Subsection D is a Type II action pursuant to 6 N.Y.C.R.R. §617.2(c)(20) and (27) and, therefore, no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 11th day of January, 2011 at 6:00pm pm at Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 35 -2010, amending the Code of the Town of Huntington to add Subsection D to Section 174-3 of Chapter 174 (Liability of Town) as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS FOLLOWS:

LOCAL LAW INTRODUCTORY NO. 35 -2010
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
TO ADD SUBSECTION D TO SECTION 174-3 OF CHAPTER 174

Section 1. Amendment to the Code of the Town of Huntington so as to add Subsection D to Section 174-3 of Chapter 174 as follows:

CHAPTER 174
LIABILITY OF TOWN

* * * *

D. Exception: Notwithstanding Subsections A – C herein, the Huntington Town Board, the Huntington Board of Trustees, the Town of Huntington, its elected officials, public officers, agents, servants and/or employees, and an improvement or special district within the Town shall not be liable for damages or injuries to person or property from defects on Town owned, controlled or maintained highways or streets sustained between the fifteenth day of November and the first day of May.

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

ADDITIONS ARE INDICATED BY UNDERLINE
 * * * INDICATES NO CHAGE IN PRESENT TEXT
 DELETIONS ARE INDICATED BY [BRACKETS]

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010- 635

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION
TO THE CONTRACT WITH KINGS PARK INDUSTRIES INC. FOR THE
REQUIREMENTS CONTRACT FOR ROAD REHABILITATION.

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, Town Board Resolution 2009-176 authorized the execution of the contract with Kings Park Industries, Inc. for the 2009 requirements contract for road rehabilitation, Contract HWY 2009-02/O-E; and

WHEREAS, said contract provides for two (2) one (1) year extensions with no increase in the bid price or change in the terms and conditions. Town Board Resolution 2009-585 authorized the first one (1) year extension; and

WHEREAS, Kings Park Industries, Inc. 201 Moreland Road, Suite 2, Hauppauge, New York 11788 has requested a final one (1) year extension; and

WHEREAS, the authorization to extend a contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a final one (1) year extension to the contract and any documents in connection and related therewith, with Kings Park Industries, Inc. for the requirements contract for road rehabilitation, for a term commencing January 1, 2011 and terminating December 31, 2011, to be charged to HW5197-2776-08502 and those budgets required to implement work, and upon such terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010- 636

RESOLUTION AUTHORIZING SETTLEMENT OF A LAWSUIT
(Jeffrey and Alissa Hammerman v Town of Huntington)

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, on March 10 2008 a Summons and Complaint was filed against the Town of Huntington on behalf of Jeffrey and Alissa Hammerman seeking to recover damages sustained in an accident; and

WHEREAS, the Town Attorney has determined it to be in the Town's best interest to settle this matter for a total of TWENTY THOUSAND and NO/100 (\$20,000.00) DOLLARS for strategic purposes with no admission of liability on the part of the Town; and

WHEREAS, the plaintiffs have agreed to accept TWENTY THOUSAND and NO/100 (\$20,000.00) DOLLARS in full settlement of their claim; and

WHEREAS, all parties have agreed to this settlement subject to the approval of the Town Board; and

WHEREAS, the settlement of this personal injury lawsuit is not an "action" as defined by 6 NYCRR §617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE, BE IT

RESOLVED, that the Comptroller is hereby authorized to issue checks in settlement of this matter, not to exceed a total of TWENTY THOUSAND and NO/100 (\$20,000.00) DOLLARS pending receipt of closing papers therein, applied against Operating Budget Item No. A1930.4160 and authorizes the Town Attorney to execute all documents required to effectuate this settlement.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010- 637

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN
INTERMUNICIPAL AGREEMENT WITH THE TOWN OF SMITHTOWN

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **SUPERVISOR PETRONE**

and seconded by: **COUNCILMAN CUTHBERTSON, COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington and the Town of Smithtown entered into a "Municipal Cooperation Agreement" on December 19, 1989 for the disposal of solid waste and the shared use of the solid waste facility owned by Covanta Huntington Limited (formerly Ogden Martin and C-E Huntington Limited Partnership) and utilized by the Town of Huntington pursuant to a Solid Waste Disposal Service Agreement entered into on June 29, 1989; and

WHEREAS, such Municipal Cooperation Agreement is due to expire; and

WHEREAS, the Town of Smithtown is desirous of continuing its relationship with the Town of Huntington with regard to the disposal of solid waste and the shared use of the solid waste facility; and

WHEREAS, the execution of these agreements is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an Intermunicipal Agreement with the Town of Smithtown, and any and all related agreements and documents, for the disposal of solid waste and the shared use of the solid waste facility owned by Covanta Huntington Limited (formerly Ogden Martin and C-E Huntington Limited Partnership) and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010-638

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A SOLID
WASTE DISPOSAL SERVICE AGREEMENT AND SITE LEASE AGREEMENT
WITH COVANTA HUNTINGTON LIMITED

Resolution for Town Board Meeting Dated: December 14, 2010

The following resolution was offered by: **SUPERVISOR PETRONE**

and seconded by: **COUNCILMAN CUTHBERTSON, COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington entered into a Solid Waste Disposal Service Agreement and a Site Lease Agreement with Covanta Huntington Limited (formerly Ogden Martin and C-E Huntington Limited Partnership) on June 29, 1989; and

WHEREAS, the Solid Waste Disposal Service Agreement and amendments, and the Site Lease Agreement are due to expire by October 27, 2012, unless renewed at the option of the Town of Huntington by October 27, 2010; and

WHEREAS, the execution of these agreements is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a Solid Waste Disposal Service Agreement and a Site Lease Agreement with Covanta Huntington Limited, and any and all related agreements and documents, and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

ENACTMENT: APPROVE THE GRANTING OF A VARIANCE AND THE
ISSUANCE OF A SPECIAL USE PERMIT UNDER THE MARINE CONSERVATION
LAW, TOWN CODE CHAPTER 137

APPLICANT: ELIZABETH CARILLO

LOCATION: 265 LITTLE NECK RD, CENTERPORT, NEW YORK

S.C.T.M. # 0400-049.00-01.00-013.000

Resolution for Board of Trustees Meeting Dated: December 14, 2010

The following resolution was offered by: **TRUSTEE CUTHBERTSON**

and seconded by: **PRESIDENT PETRONE**

WHEREAS, pursuant to Chapter 137, the Marine Conservation Law of the Town of
Huntington, an application for a Permit has been submitted by:

John Palmieri, President

NSEW Consultants

On behalf of

Elizabeth Carillo

265 Little Neck Rd

Centerport, N.Y. 11721

to construct a residential fixed pier and floating dock assembly with a maximum length of
one hundred twenty-five ft. from the Mean High Water Line at 265 Little Neck Rd.,
Centerport, N.Y. 11721, S.C.T.M. # 0400-049.00-01.00-013.000; and

WHEREAS, this action is classified as an unlisted action pursuant to the State
Environmental Quality Review Act (SEQRA) and the Town Board has been established
as lead agency for this action; and

WHEREAS, upon review of the Environmental Assessment Form, submitted by the
applicant, and by the SEQRA review prepared by the Town Department of Maritime
Services, it has been determined that no potentially adverse environmental impacts are
posed by the pending action, providing the conditions requested by the Department of
Maritime Services are adhered to.

NOW, THEREFORE

THE BOARD OF TRUSTEES, having held a public hearing on the 5th day of October,
2010, to consider the matter of a variance of Section 137-26.A [1] and the issuance of a
permit to Elizabeth Carillo to construct a residential fixed pier and floating dock assembly
with a maximum length of one hundred twenty-five ft. from the Mean High Water Line at
265 Little Neck Rd., Centerport, N.Y. 11721, S.C.T.M. # 0400-049.00-01.00-013.000;
and due deliberation being had;

HEREBY RESOLVES, that based upon the review of the Environmental Assessment

Form (EAF), submitted by the applicant, and the SEQRA review prepared by the Town Department of Maritime Services, the issuance of the permit does not pose a significant adverse environmental impact, provided that the conditions requested by the Department of Maritime Services are adhered to, and hereby issues a negative declaration; and

HEREBY GRANTS the variance of Section 137-26.A [1] and the issuance of a permit to Elizabeth Carillo to construct a residential fixed pier and floating dock assembly with a maximum length of one hundred twenty-five ft. from the Mean High Water Line at 265 Little Neck Rd., Centerport, N.Y. 11721, S.C.T.M. # 0400-049.00-01.00-013.000; and

HEREBY APPROVES the execution of a Special Use Permit under Chapter 137 of the Code of the Town of Huntington, to Elizabeth Carillo to construct a residential fixed pier and floating dock assembly with a maximum length of one hundred twenty-five ft. from the Mean High Water Line at 265 Little Neck Rd., Centerport, N.Y. 11721, S.C.T.M. # 0400-049.00-01.00-013.000; on such terms and conditions as follows

- 1) Applicant must notify the Dept. of Engineering Services, Dept of Maritime Services and the Harbor Masters office 48 hours prior to the commencement of any construction/demolition activities. Notification shall be in writing to each department at 100 Main St., Town Hall, Huntington, N.Y. 11743 and separate facsimile transmissions at (631) 351-3373, (631) 351-3132 and (631) 425-0621.
- 2) A License Agreement for the use of Town of Huntington under water land is required for this project.
- 3) All construction equipment, vehicles and materials shall access the project site via the owner's property. No construction equipment, vehicles or material deliveries shall transverse adjacent properties.
- 4) All activities must be conducted in conformance with the approved New York State DEC Tidal Wetlands Permit and associated approved plans.
- 5) All planting and re-vegetation of site shall be as per the approved plans and the corresponding New York State DEC permit.
- 6) All construction equipment, vehicles and materials must be stored/operated upland of any tidal/inter-tidal wetlands areas.
- 7) All necessary precautions shall be taken to preclude contamination of wetlands or waterways by construction debris, suspended solids, sediments, fuel, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with this project.
- 8) There will be no disturbance to the vegetated tidal wetlands or protected areas as a

result of the proposed activity.

- 9) Upon the completion of the proposed activity, any debris or excess material shall be removed from the site in a timely manner and properly disposed of at a state approved disposal area.
- 10) All required Town of Huntington inspections are scheduled at appropriated intervals during the course of demolition/construction.
- 11) The applicant is responsible for obtaining and adhering to all necessary Federal, State and locale permits.
- 12) The applicant, owner and their duly authorized representatives (such as contractors, sub-contractors and work-force) are required to adhere to the construction plans, methodology and/or terms/conditions approved by the Town of Huntington, Dept. of Engineering Services, Dept. Of Maritimes Services and the Town Attorneys Office. Any modification or deviation from the approved plans, methodology and/or terms/conditions as included in the issued permit must be approved by the Town of Huntington prior to the commencement of activities.
- 13) Upon completion of the project the applicant must notify the Dept. of Engineering Services and the Dept. Of Maritimes Services in writing to each department at 100 Main St., Town Hall, Huntington, N.Y. 11743

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

President Frank P. Petrone	AYE
Trustee Susan A. Berland	AYE
Trustee Mark A. Cuthbertson	AYE
Trustee Glenda A. Jackson	AYE
Trustee Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

ENACTMENT: APPROVE THE EXECUTION OF A LICENSE AGREEMENT PURSUANT TO THE MARINE CONSERVATION LAW, TOWN CODE CHAPTER 137, FOR THE CONSTRUCTION OF A RESIDENTIAL FIXED PIER AND FLOATING DOCK ASSEMBLY

OWNER: ELIZABETH CARILLO

LOCATION: 265 LITTLE NECK RD, CENTERPORT, NEW YORK

S.C.T.M. # 0400-049.00-01.00-013.000

Resolution for Board of Trustees Meeting Dated: December 14, 2010

The following resolution was offered by: **TRUSTEE CUTHBERTSON**

and seconded by: **PRESIDENT PETRONE**

WHEREAS, pursuant to the Marine Conservation Law of the Town of Huntington, Chapter 137 an application has been submitted by:

John Palmieri, President

NSEW Consultants

On behalf of

Elizabeth Carillo

265 Little Neck Rd

Centerport, N.Y. 11721

to construct a residential fixed pier and floating dock assembly with a maximum length of one hundred twenty-five ft. from the Mean High Water Line at 265 Little Neck Rd., Centerport, N.Y. 11721, S.C.T.M. # 0400-049.00-01.00-013.000; and

WHEREAS, a license agreement for the construction of a one hundred twenty-five foot long residential fixed pier and floating dock assembly for use on underwater Board of Trustee land is necessary; and

WHEREAS, this action is classified as an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA) and the Town Board has been established as lead agency for this action; and

WHEREAS, upon review of the Environmental Assessment Form, submitted by the applicant, and by the SEQRA review prepared by the Town Department of Maritime Services, it has been determined that no potentially adverse environmental impacts are posed by the pending action, providing the conditions requested by the Department of Maritime Services are adhered to.

NOW, THEREFORE

THE BOARD OF TRUSTEES, having held a public hearing on the 14th day of December, 2010, to consider the matter of the execution of a license agreement pursuant to the Marine Conservation Law Chapter 137 for the construct of a residential fixed pier and floating dock assembly with a maximum length of one hundred twenty-five ft. from the Mean

High Water Line at 265 Little Neck Rd., Centerport, N.Y. 11721, S.C.T.M. # 0400-049.00-01.00-013.000; and due deliberation being had;

HEREBY RESOLVES, that based upon the review of the Environmental Assessment Form (EAF), submitted by the applicant, and the SEQRA review prepared by the Town Department of Maritime Services, the issuance of the permit does not pose a significant adverse environmental impact, provided that the conditions requested by the Department of Maritime Services are adhered to, and hereby issues a negative declaration; and

HEREBY GRANTS the execution of a license agreement to Elizabeth Carillo to construct a residential fixed pier and floating dock assembly with a maximum length of one hundred twenty-five ft. from the Mean High Water Line on underwater Board of Trustee land as is necessary at 265 Little Neck Rd., Centerport, N.Y. 11721, S.C.T.M. # 0400-049.00-01.00-013.000 on such terms and conditions as may be acceptable to the Town Attorney

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

President Frank P. Petrone	AYE
Trustee Susan A. Berland	AYE
Trustee Mark A. Cuthbertson	AYE
Trustee Glenda A. Jackson	AYE
Trustee Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2010-BT 19

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER THE EXECUTION OF A LICENSE AGREEMENT PURSUANT TO THE MARINE CONSERVATION LAW, TOWN CODE CHAPTER 137,

APPLICANT: PATRICIA & MILAN NEMES

LOCATION: 107 EAST NECK RD., HUNTINGTON, NEW YORK

S.C.T.M. #: 0400-036.00-01.00-004.001

Resolution for Board of Trustees Meeting Dated: December 14, 2010

The following resolution was offered by: **TRUSTEE BERLAND**

and seconded by: **TRUSTEE MAYOKA, TRUSTEE JACKSON**

WHEREAS, pursuant to the Marine Conservation Law of the Town of Huntington, Chapter 137 an application has been submitted by:

Patricia Nemes of
107 East Neck Rd.
Huntington, N.Y. 11743-1567

to construct 475.0 linear ft. of composite inter-locking sheet-style bulkhead (within 3.0 feet seaward of existing concrete bulkhead) w/ 10 ft. return on each side of property and back fill w/ approximately 2000 cu. yards of clean fill. Construction area is to be access via Town of Huntington, Board of Trustees regulated property at 107 East Neck Rd., Huntington, N.Y. 11743 S.C.T.M.# 0400-036.00-01.00-004.001; and

WHEREAS, a license agreement for the use of Town of Huntington, Board of Trustees regulated property for the purposes of construction site access is necessary; and

WHEREAS, the scheduling of a public hearing is not an action as defined by 6 NYCRR §617.2(b) and therefore no further SEQRA review is required at this time.

NOW, THEREFORE

THE BOARD OF TRUSTEES

HEREBY SCHEDULES a public hearing for the 11TH day of JANUARY, 2011, at 6:00 pm at Town Hall, 100 Main Street, Huntington, New York 11743, to consider the execution of a license agreement pursuant to the Marine Conservation Law, Town Code Chapter 137 for the use of Town of Huntington, Board of Trustees regulated property for the purposes of construction site access at 107 East Neck Rd., Huntington, N.Y. 11743 S.C.T.M.# 0400-036.00-01.00-004.001, on such terms and conditions as may be acceptable to the Town Attorney.

2010-BT 19

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

President Frank P. Petrone	AYE
Trustee Susan A. Berland	AYE
Trustee Mark A. Cuthbertson	AYE
Trustee Glenda A. Jackson	AYE
Trustee Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE RETENTION OF OUTSIDE COUNSEL
NUNC PRO TUNC (Ronald M. Terenzi, Esq.)

Resolution for the Community Development Agency Board Meeting Dated: December 14, 2010

The following resolution was offered by: **CHAIRMAN PETRONE**

And seconded by: **MEMBER CUTHBERTSON**

WHEREAS, the Huntington Community Development Agency desires to retain the services of Ronald M. Terenzi, Esq. of Stagg, Terenzi, Confusione & Wabnik, LLP, 401 Franklin Avenue, Suite 300, Garden City, New York 11530, as outside counsel to represent the interests of Doug Aloise, the Director of the Huntington Community Development Agency in the matter of Eva Henderson-Thomas v. the Town of Huntington and Doug Aloise; and

WHEREAS, the firm of Stagg, Terenzi, Confusione & Wabnik, LLP has the necessary skill and experience in these matters; and

WHEREAS, the retention of outside counsel is not an action as defined by 6 N.Y.C.R.R. §617.2(b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE,

THE HUNTINGTON COMMUNITY DEVELOPMENT AGENCY BOARD

HEREBY AUTHORIZES the Huntington Community Development Agency to retain Ronald M. Terenzi, Esq. of the firm of Stagg, Terenzi, Confusione & Wabnik, LLP, nunc pro tunc, in the matter of Eva Henderson-Thomas v. the Town of Huntington and Doug Aloise at an hourly rate of TWO HUNDRED AND NO/100 (\$200.00) DOLLARS to be charged to Operating Budget Item ZAdmin-4551 (Outside Professional-Legal) and on such other terms as may be acceptable to the Attorney of the Huntington Community Development Agency.

VOTE: AYES: 4 NOES: 1 ABSTENTIONS: 0

Chairman Frank P. Petrone	AYE
Member Susan A. Berland	AYE
Member Mark A. Cuthbertson	AYE
Member Glenda A. Jackson	AYE
Member Mark Mayoka	NO

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION AUTHORIZING THE CHAIRMAN TO EXECUTE AN EXTENSION TO THE CONTRACT WITH ISRAELOFF, TRATTNER & CO. P.C., CERTIFIED PUBLIC ACCOUNTANTS, TO CONDUCT AN INDEPENDENT AUDIT FOR THE FISCAL YEAR ENDING DECEMBER 31, 2010

Resolution for Community Development Agency Board meeting dated: December 14, 2010

The following resolution was offered by Agency Board Member: **CHAIRMAN PETRONE**

and seconded by Agency Board Member: **MEMBER JACKSON**

WHEREAS, the Huntington Town Board has extended the contract with Israeloff, Trattner & Co., P.C., Certified Public Accountants, to conduct the independent audit of the Town of Huntington based on the recommendation of the Town's Audit Committee and it is both advantageous and cost effective for the Community Development Agency to contract for and be audited in conjunction with the Town's audit; and

WHEREAS, the terms of the Federal Community Development Block Grant Program, which is the principal source of funding for the Agency, requires that an annual independent audit be conducted; and

WHEREAS, the Community Development Agency is an independent New York State agency, established by Section 654 of general Municipal Law as a public benefit corporation; and

WHEREAS, Community Development Agency Board Resolution 2008-CD17 authorized the Chairman to execute a contract with Israeloff, Trattner & Co., P.C., Certified Public Accountants, to conduct an independent audit for the Community Development Agency; and

WHEREAS, said contract provides for four one (1) year extensions upon mutual consent of both parties; and

WHEREAS, Israeloff, Trattner & Co., P.C., Certified Public Accountants, has requested the Community Development Agency Board approval for the first one (1) year extension of the contract; and

WHEREAS, the execution of this contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.2 (b), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE HUNTINGTON COMMUNITY DEVELOPMENT AGENCY BOARD

2010- CD /6

HEREBY AUTHORIZES the Chairman to execute the second extension to the contract with Israeloff, Trattner & Co., P.C., 1225 Franklin Avenue, Garden City, NY 11530, to conduct an audit for the fiscal year ending December 31, 2010, for an amount not to exceed the sum of SIX THOUSAND FIVE HUNDRED NO/100 (\$6,500.00) DOLLARS, for a term commencing January 1, 2011 and terminating December 31, 2011.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Chairman Frank P. Petrone **AYE**

Member Susan A. Berland **AYE**

Member Mark A. Cuthbertson **AYE**

Member Glenda A. Jackson **AYE**

Member Mark Mayoka **AYE**

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE CHAIRMAN OF THE HUNTINGTON COMMUNITY DEVELOPMENT AGENCY OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS TO ACCEPT THE TRANSFER THE TRACT OF LAND AT RAILROAD STREET AND LOWNDES AVENUE, IN HUNTINGTON STATION TO THE HUNTINGTON COMMUNITY DEVELOPMENT AGENCY FOR DEVELOPMENT AND SALE AS AFFORDABLE HOUSING

Resolution for HUNTINGTON COMMUNITY DEVELOPMENT AGENCY Meeting dated: December 14, 2010

The following resolution was offered by: Chairman Petrone, **MEMBER JACKSON**

and seconded by: **MEMBER BERLAND**

WHEREAS, the Huntington Town Board by Resolution No. 2009-265 adopted on May 19, 2009 authorized the acquisition of 4/6 Columbia Street and 14 Columbia Street, in Huntington Station under the "Take Back the Blocks" Program in partnership with the County of Suffolk; and

WHEREAS, upon acquisition, the Huntington Town Board authorized by virtue of Resolution No.: 2009-265 the transfer of fee title to 4/6 Columbia Street and 14 Columbia Street, in Huntington Station to the Huntington Community Development Agency, as the Town of Huntington's designated agent, for the purpose of demolition and re-development of affordable housing units, each containing one (1) affordable accessory apartment, to be marketed to qualified first-time homeowners and regulated in accordance with the Town's Affordable Housing Law; and

WHEREAS, by Resolution No.: 2010-171 adopted on April 13, 2010 the Town Board further authorized the transfer of two additional parcels in furtherance of the revitalization of Huntington Station to the Huntington Community Development Agency, as its designated agent, for development and sale in accordance with the identified project of which one is unimproved and more particularly identified on the Suffolk County Tax Map by Number No.: 0400-140.00-03.00-109.003 fronting on Railroad Street; and

WHEREAS, it was determined that eight (8) affordable housing units, each containing one (1) affordable accessory apartment could be developed if the Huntington Community Development Agency was able to acquire title to a fifth tract of land not identified by a Suffolk County Tax Map Number but by the metes and bounds description annexed hereto and made a part hereof as Schedule "A" which adjoins lot 109.003 and fronts on Railroad Street and Lowndes Avenue in Huntington Station; and

WHEREAS, the property described in Schedule "A" is currently owned by the Town of Huntington, and the Huntington Town Board has authorized the Supervisor to transfer fee title of said tract of land to the Huntington Community Development Agency; and

WHEREAS, the Huntington Community Development Agency wishes to accept the transfer of fee title to the fifth tract of land not identified by a Suffolk County Tax Map Number but by the metes and bounds description annexed hereto and made a part hereof as Schedule "A" which adjoins lot 109.003 and fronts on Railroad Street and Lowndes Avenue in Huntington Station; and

WHEREAS, the Town Board has issued a Negative Declaration for the proposed action based on a short Environmental Assessment Form prepared by the Department of Planning and Environment and the Community Development Agency wishes to adopt the same assessment;

WHEREAS, pursuant to Town Law §64(2) the transfer of property from Huntington Town Board to the Huntington Community Development Agency is subject to permissive referendum and shall take effect thirty (30) days after the Town Board agrees to the transfer or, if a referendum is held, upon the affirmative vote of a majority of the qualified electors of the Town voting on the referendum.

NOW THEREFORE, THE HUNTINGTON COMMUNITY DEVELOPMENT AGENCY BOARD

HEREBY RESOLVES that the Community Development Agency finds, on review of the short form EAF, there shall be no significant adverse impacts associated with the proposed action and hereby issues a Negative Declaration pursuant to SEQRA; and

HEREBY AUTHORIZES the Chairman of the Huntington Community Development Agency or his designee to execute any and all documents and take all actions necessary to accept the transfer of fee title to the tract of land identified in Schedule "A", annexed hereto and made a part of this resolution, to the Huntington Community Development Agency, on such terms and conditions as may be acceptable to the Attorney for the Huntington Community Development Agency, for eventual development and sale as part of the Columbia Street Project.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Chairman Frank P. Petrone	AYE
Member Susan A. Berland	AYE
Member Mark A. Cuthbertson	AYE
Member Glenda A. Jackson	AYE
Member Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2010-CD-17

SCHEDULE "A"

DESCRIPTION

COLUMBIA STREET PROJECT

FINAL UNDEEDED AREA - p/o RAILROAD STREET and LOWNDES AVENUE

All that certain plot, piece or parcel of land situate, lying and being in Huntington Station, Town of Huntington, County of Suffolk and State of New York known and designated as Part of Railroad Street, and Part of Lowndes Avenue and more particularly bounded and described as follows:

BEGINNING at a point on the West side of Lowndes Avenue 63.33 feet South of the intersection formed by the West side of Lowndes Avenue and the South side of Columbia Street

RUNNING THENCE the following 2 courses and distances along the new Westerly side of Lowndes Avenue Right-of-Way

1. Southeasterly along a curve bearing to the Left, having a Radius of 66.00 feet and an arc Length of 44.19 feet
2. South $48^{\circ}53'13''$ East 51.32 feet to the Northerly end of a curve connecting the new West side of Lowndes Avenue and the new North side of Railroad Street

THENCE along said curve bearing to the Right, having a Radius of 20.00 feet and an arc Length of 30.83 feet to a point on the new North side of Railroad Street

THENCE Southwesterly along said new line along a curve bearing to the Right, having a Radius of 200.00 feet and an arc Length of 51.56 feet to a point

THENCE North $10^{\circ}31'28''$ West 136.67 feet along said West side of Lowndes Avenue to the point or place of beginning.

12/3/10